

NOTICE PUBLICATION REGULATIONS SUBMISSION

(See instructions on reverse)

Original
For use by Secretary of State only

STD. 400 (REV. 2-91)

AGENCY

California Department of Social Services

AGENCY FILE NUMBER (if any)

RDB #0693-26

OAL FILE
NUMBERSNOTICE FILE NUMBER
Z-93-0824-02

REGULATORY ACTION NUMBER

93-1228-04C

EMERGENCY NUMBER

PREVIOUS REGULATORY ACTION NUMBER

93-0823-03E

For use by Office of Administrative Law (OAL) only

ENDORSED
APPROVED FOR FILING
AND PUBLICATION

FEB 2 1994

Office of Administrative Law

FILED

In the office of the Secretary of State
of the State of California

FEB 02 1994

At 3:40 O'clock P. M.
MARCH FONG EU, Secretary of State

By

Deputy Secretary of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE MAP Reductions and Elimination of 30 & 1/3 Income Disregard		TITLE(S)		FIRST SECTION AFFECTED		2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER			
<input type="checkbox"/> Other							
OAL USE ONLY		ACTION ON PROPOSED NOTICE		NOTICE REGISTER NUMBER		PUBLICATION DATE	
<input type="checkbox"/> Approved as Submitted		<input type="checkbox"/> Approved as Modified		<input type="checkbox"/> Disapproved/Withdrawn		93-1228-04C	
						9-3-93	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

TITLE(S)	ADOPT	40-019
MPP	AMEND	44-111; 44-111.311; 44-207.113 and .322; 44-315.311; 44-402.11 and .12
SECTIONS AFFECTED	REPEAL	80-301; 89-301; and 89-402.
		44-315.351

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))

☒ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State ☐ Effective other (Specify)

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☒ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON

TELEPHONE NUMBER

Frank Vitulli, Asst. Bureau Chief, Regulations Development Bureau

(916) 657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

Eloise Anderson, Director

DEC 27 1993

Adopt Section 40-019 to read:

40-019 IMPLEMENTATION OF REGULATIONS PURSUANT TO SENATE BILL 35,
CHAPTER 69, STATUTES OF 1993 FOR THE ASSISTANCE PAYMENTS
DEMONSTRATION PROJECT

40-019

.1 General

The following amendments comply with the provisions of Senate Bill 35, Chapter 69, Statutes of 1993. This regulatory action consists of:

Elimination of the 4-month limit on receipt of the \$30 and 1/3 earned income disregards and elimination of the additional 8-month limit on receipt of the \$30 earned income disregard; and

Changes to reduce the Maximum Aid Payment (MAP) and the Reduced Income Supplemental Payment.

.11 Sections Modified

44-111	Payments Excluded or Exempt from Consideration As Income
44-115.3	Evaluation of Income In-Kind
44-207.113(a)	Income Eligibility
44-207.322	Financial Eligibility
44-315.3	Amount of Grant
44-402.1	Computation of a Reduced Income Supplemental Payment
80-301r.(1)(A)	Definition of "Recipient"
89-301.1	Elimination of Time Limitations for 30 and 1/3 Earned Income Disregards
89-402.1	MAP Amount

.2 Effective Date

As specified in Sections 40-019.21 and .22 below, all regulatory action herein implementing the provisions of Senate Bill 35, Chapter 69, Statutes of 1993, shall be effective September 1, 1993.

.21 \$30 and 1/3 Earned Income Disregards

This provision is effective with all earned income received on or after September 1, 1993.

.22 MAP Reduction

This provision is effective for payment months beginning September 1993.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11255 and 11450.015, Welfare and Institutions Code; and Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992.

Modify Handbook Section 44-111 to read:

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION
AS INCOME

44-111

HANDBOOK BEGINS HERE

See Section 89-301.1 for elimination of the four- and eight-month time limitations for the 30 and 1/3 earned income disregards as specified in this section for those recipients subject to the Assistance Payments Demonstration Project specified in Division 89.

HANDBOOK ENDS HERE

.1 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11008.15, and 11255, Welfare and Institutions Code; 42 USC Section 602(g)(1)(E)(i); Section 202(a), Public Law 100-485; 45 CFR 244.0(c); 45 CFR 233.20(a)(4)(ii); 45 CFR 233.20(a)(11)(v)(C); and Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992.

Modify Handbook Section 44-115.311(a) and include new Handbook Section 44-115(b) to read:

44-115 EVALUATION OF INCOME IN-KIND (Continued)

44-115

.3 In-Kind Income Values

.31 (Continued)

.311 (Continued)

HANDBOOK BEGINS HERE

(a) (Continued)

NOTE: The counties of Alameda, Los Angeles, San Bernardino, and San Joaquin are to use the in-kind income amounts that were in effect July 1, 1992 for control group cases (see Section 89-102.2).

(b) Below are the In-Kind Income Tables for recipients designated as APDP control group participants in the counties of Alameda, Los Angeles, San Bernardino, and San Joaquin (see Section 89-102.2).

<u>Size of</u> <u>FBU</u>	<u>Housing</u>	<u>Utilities</u> <u>Including</u> <u>Telephone</u>	<u>Food</u>	<u>Clothing</u>
<u>1</u>	<u>\$155</u>	<u>\$33</u>	<u>\$ 87</u>	<u>\$ 27</u>
<u>2</u>	<u>209</u>	<u>38</u>	<u>184</u>	<u>50</u>
<u>3</u>	<u>228</u>	<u>41</u>	<u>235</u>	<u>76</u>
<u>4</u>	<u>239</u>	<u>42</u>	<u>290</u>	<u>101</u>
<u>5</u>	<u>239</u>	<u>42</u>	<u>350</u>	<u>128</u>
<u>6</u>	<u>239</u>	<u>42</u>	<u>406</u>	<u>151</u>
<u>7</u>	<u>239</u>	<u>42</u>	<u>453</u>	<u>180</u>
<u>8</u>	<u>239</u>	<u>42</u>	<u>496</u>	<u>202</u>
<u>9</u>	<u>239</u>	<u>42</u>	<u>544</u>	<u>230</u>
<u>10</u>	<u>239</u>	<u>42</u>	<u>589</u>	<u>252</u>

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, 10554, 11450, and 11453, Welfare and Institutions Code.

Reference: Sections 11450, 11450.015, 11452, and 11453, Welfare and Institutions Code; and Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992.

.322 For purposes of determining financial eligibility, the earned income exemption (\$30 and 1/3) shall be applied subject to the limitations of Section 44-111.23* and only if the person who earned the income was eligible for and received an AFDC payment from any state during at least one of the immediately preceding four months and is currently included in the FBU.

.32 Net Nonexempt Income (Continued)

.3 Financial Eligibility (Continued)

.12 Determination of Income Source (Continued)

HANDBOOK ENDS HERE

10	2,789
9	2,567
8	2,369
7	2,173
6	1,979
5	1,761
4	1,542
3	1,300
2	1,048
1	\$ 630

Size of FBU

185% of Minimum
Basic Standard
of Adequate Care

(b) Below are the 185% of MBSAC amounts for recipients designated as ADP control group participants in the counties of Alameda, Los Angeles, San Bernardino, and San Joaquin (see Section 89-102.2).

NOTE: The county of Alameda/ Los Angeles/ San Bernardino/ and San Joaquin are the 185% MBSAC amounts that will be used for the 1992 to 1997 period. See Section 89-102.2.

(a) (Continued)

HANDBOOK BEGINS HERE

.113 (Continued)

.11 (Continued)

.1 (Continued)

44-207 INCOME ELIGIBILITY (Continued)

44-207

Modify Handbook Section 44-207.113(a) and include Handbook Section 44-207.113(b) to read:

HANDBOOK BEGINS HERE

*See Section 89-301.1 for elimination of the 4-month time limit for the \$30 and 1/3 earned income disregards and elimination of the additional 8-month limit for the \$30 earned income disregard. This will apply to those recipients who are subject to the Assistance Payments Demonstration Project as specified in Division 89.

HANDBOOK ENDS HERE

(a) (Continued)

Authority Cited: Sections 10553, 10554, 11450, and 11453, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11017, and 11255, Welfare and Institutions Code; 45 CFR 233.20(a)(2)(xiii) and (3)(vi)(B) and (xiv); and Darces v. Woods, 35 Cal. 3d 871; Rutan v. McMahon, Case No. 612542-L (Alameda Superior Court) February 19, 1988; Letter from Department of Health and Human Services (DHSS), December 5, 1990; Johnson v. Carlson Stipulated Judgement; and Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992.

Modify Handbook Section 44-315.311(b) to read:

44-315 AMOUNT OF AID (Continued)

44-315

.3 Amount of Grant (Continued)

.31 MBSAC (Continued)

HANDBOOK BEGINS HERE

.311 MBSAC and
MAP Levels

(a)

Effective September 1, 1993, the MBSAC and MAP levels established in Welfare and Institutions Code Sections 11450 and 11452 are:

Size of AU	MBSAC	MAP
1	\$ 351	\$ 299
2	576	490
3	715	607
4	848	723
5	968	824
6	1,088	926
7	1,195	1,017
8	1,302	1,108
9	1,411	1,197
10 or more	1,533	1,286

For MBSAC add fourteen dollars (\$14) for each additional needy person.

(b) NOTE:

Below are the MBSAC and MAP amounts for recipients designated as APDP control group participants in the counties of Alameda, Los Angeles, San Bernardino, and San Joaquin (see Section 89-~~102~~2.2).

Size of AU	MBSAC	MAP
1	\$ 345	\$ 326
2	567	535
3	703	663
4	834	788
5	952	899
6	1,070	1,010
7	1,175	1,109
8	1,281	1,209
9	1,388	1,309 6
10 or more*	1,508	1,403

* For MBSAC add fourteen dollars (\$14) for each additional needy person.

HANDBOOK ENDS HERE

- | | | |
|-----|------------------------------|-------------|
| .32 | Add Special
Need Payment | (Continued) |
| .35 | MAP | (Continued) |
| .36 | Add Special Need
Payments | (Continued) |

Authority Cited: Sections 10553, 10554, 11209, 11450, 11450(g), and 11453, Welfare and Institutions Code.

Reference: Sections 11017, 11450, 11450.01, 11450.015, 11450.03, 11452, and 11453, Welfare and Institutions Code; and Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992.

Renumber Section 44-402.12 to .13 and include new Handbook Section 44-402.12 and modify Handbook Section 44-402.11 to read:

44-402 COMPUTATION OF A REDUCED INCOME SUPPLEMENTAL PAYMENT

44-402

.1 (Continued)

.11

HANDBOOK BEGINS HERE

80% of MAP Level:
Effective September 1, 1993

Size of AU	80% of Maximum Aid Payment
1	\$ 239
2	392
3	485
4	578
5	659
6	740
7	813
8	886
9	957
10 or more	1,028

NOTE: The counties of Alameda, Los Angeles, San Bernardino, and San Joaquin are to use the 80% of MAP amounts that were in effect July 1, 1992 for control group cases (see Section 89-102.2).

.12 Below are the 80% of MAP amounts for recipients designated as APDP control group participants in the counties of Alameda, Los Angeles, San Bernardino, and San Joaquin (see Section 89-102.2).

<u>Size of AU</u>	<u>80% of Maximum Aid Payment</u>
<u>1</u>	\$ <u>260</u>
<u>2</u>	<u>428</u>
<u>3</u>	<u>530</u>
<u>4</u>	<u>630</u>
<u>5</u>	<u>719</u>
<u>6</u>	<u>808</u>
<u>7</u>	<u>887</u>
<u>8</u>	<u>967</u>
<u>9</u>	<u>1,044</u>
<u>10</u>	<u>1,122</u>

HANDBOOK ENDS HERE

.123 (Continued)

Authority Cited: Sections 10553, 10554, 11450, and 11453, Welfare and Institutions Code.

Reference: Sections 11017, 11255, 11450, 11450.015, and 11450.2, Welfare and Institutions Code; 45 CFR 237.27; and Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992.

Amend Section 80-301r. (1) to read:

80-301 DEFINITIONS (Continued)

80-301

r. (1) Recipient

"Recipient" means a person who is receiving AFDC.

(A)

A person becomes a "recipient" on the date the county signs authorization document(s) certifying that all eligibility requirements are met. (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: (As listed below:)

TERM	PREVIOUS CITE	REFERENCE
Aid to Families With Dependent Children (AFDC)	40-103.84	45 CFR 201.3 and Sections 10553 and 10554, Welfare and Institutions Code.
Aid to Families With Dependent Children - Foster Care (AFDC-FC)	40-103.843	Sections 10553, 10554, and 11400(a), Welfare and Institutions Code.
Aid to Families With Dependent Children - Family Group (AFDC-FG)	40-103.841	Section 11250, Welfare and Institutions Code.
Aid to Families With Dependent Children-Unemployed Parent (AFDC-U)	40-103.842	Section 11201, Welfare and Institutions Code.
Aid Payment	N/A	
Alternatively Sentenced Parent (ASP)	N/A	45 CFR 233.90(c)(1)(iii).
Applicant	40-103.5	45 CFR 206.10 and Sections 11023.5 and 11051 Welfare and Institutions Code.
Applicant Child	N/A	45 CFR 206.10 and Sections 10553 and 10554, Welfare and Institutions Code.

TERM	PREVIOUS CITE	REFERENCE
Assistance Unit	N/A	45 CFR 233.90, 42 USCA 602(a)(38), and SSA-AT-86-01.
Beginning Date of Aid	N/A	Section 11266, Welfare and Institutions Code.
Caretaker Relative	N/A	42 USCA 606(a), 45 CFR 233.90(c)(1)(v), and Section 11203, Welfare and Institutions Code.
Child	N/A	45 CFR 233.90(c)(1)(i).
Collect	N/A	
County	40-103.7	Section 10058, Welfare and Institutions Code.
Date of Application	N/A	45 CFR 206.10(b)(3).
Eligible Child	44-203.11	45 CFR 233.90(c)(1)(i) and Section 11203, Welfare and Institutions Code.
Essential Person (EP)	N/A	45 CFR 233.20(a)(2)(vi) and 45 CFR 237.50(c).
Filing Unit	N/A	45 CFR 206.10(a)(1)(vii).
GAIN	N/A	45 CFR 255 and Section 11320, Welfare and Institutions Code.
GED	N/A	Sections 10553 and 10554, Welfare and Institutions Code.
Grant Adjust	N/A	
Half-Sibling	N/A	45 CFR 206.10(a)(1)(vii) and 45 CFR 233.90(c)(1)(v).
Immediate Need Payment	N/A	Section 11266, Welfare and Institutions Code.
Mandatory Inclusion	N/A	45 CFR 226.10(a)(1)(viii), and Sections 10553 and 10554, Welfare and Institutions Code.
Medical Verification of Pregnancy	44-205.642	45 CFR 233.90(c)(2)(iv) and Section 11450, Welfare and Institutions Code.
Minor Parent	43-103.2 44-133.711	45 CFR 233.20(a)(3)(xviii) and Section 11008.14, Welfare and Institutions Code.
Optional Persons	N/A	45 CFR 233.20(a)(2)(vi) and 45 CFR 237.50(c).

TERM	PREVIOUS CITE	REFERENCE
Otherwise Eligible	N/A	Sections 10553, 10554, and 10604, Welfare and Institutions Code.
Parent	41-403.1	45 CFR 237.50(b)(3)(ii) and Section 11203, Welfare and Institutions Code.
Pregnant Woman	44-205.6	45 CFR 233.90(c)(2)(iv) and Section 11008.14, Welfare and Institutions Code.
Public Hospital	42-503.51	45 CFR 233.60(b)(3) and (5) and Section 11269, Welfare and Institutions Code.
Recipient	40-189.11	45 CFR 233.10(a)(1) and Section 11450, Welfare and Institutions Code.
Recover	N/A	
Sanction	N/A	45 CFR 224.51 and 45 CFR 232.12(d)(1).
Second Parent	N/A	Sections 10553 and 10554, Welfare and Institutions Code.
Senior Parent	N/A	45 CFR 233.20 and Sections 10553 and 10554, Welfare and Institutions Code.
Sibling	N/A	Sections 10553 and 10554, Welfare and Institutions Code.
Sponsored Alien	43-119.11	45 CFR 233.20(a)(3)(xv) and 45 CFR 233.51 and Section 11008.13, Welfare and Institutions Code.
State Department of Social Services (SDSS)	N/A	Section 10054, Welfare and Institutions Code.
Statement of Facts	N/A	Sections 10553, 10554, and 11054, Welfare and Institutions Code.
State-only AFDC	N/A	Section 11450(b), Welfare and Institutions Code.
Stepparent	43-103.3	45 CFR 233.20(a)(3)(xiv) and Section 11008.14, Welfare and Institutions Code.
Strike	41-701.21	45 CFR 233.106 and Section 11250.4, Welfare and Institutions Code.
Striker	41-701.23	45 CFR 233.106 and Section 11250.4, Welfare and Institutions Code.
SSI/SSP Child	N/A	45 CFR 233.90.

Amend Section 89-301 (Title) and Section 89-301.1 to read:

89-300 WORK INCENTIVES

89-300

89-301 ELIMINATION OF TIME LIMITATIONS FOR 30 AND 1/3 EARNED INCOME
DISREGARD AND ELIMINATION OF THE 100-HOUR LIMIT

89-301

.1 30 and 1/3

The county shall not apply the time limitations
specified in Sections 44-111.232(b) and .24.

.2 100-Hour Limit

(Continued)

Authority Cited: Sections 10553, 10554, 11201.5, 11209, and 11450(g), Welfare and
Institutions Code.

Reference: Sections 11201.5, 11255, and 11450.015, Welfare and Institutions
Code; and Federal Terms and Conditions for the California
Assistance Payments Demonstration Project as approved by the
United States Department of Health and Human Services on
October 30, 1992.

Modify Handbook Section 89-402.1 to read:

89-400 AID PAYMENTS

89-400

89-402 MAXIMUM AID PAYMENT (MAP) LEVEL AND MAP RESTRICTION

89-402

HANDBOOK BEGINS HERE

.1 MAP Amount

See Section 44-315.311(a) for the MAP amounts for recipients subject to the Assistance Payments Demonstration Project as specified in Section 89-100.

HANDBOOK ENDS HERE

.2 Reserved

.3 Reserved

.4 Relocation Family Grant (Continued)

Authority Cited: Sections 10553, 10554, 11209, and 11450(g), Welfare and Institutions Code.

Reference: Sections 11450.01, 11450.015, and 11450.03, Welfare and Institutions Code; Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992; and Memorandum of Decision and Order in Green v. Anderson, (Civ. S-92-2118) dated January 28, 1993.

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

STD. 400 (REV. 2-91)

AGENCY

California Department of Social Services

AGENCY FILE NUMBER (if any)

0693-28

OAL FILE
NUMBERSNOTICE FILE NUMBER
Z-93-0722-01

REGULATORY ACTION NUMBER

94-0113-04C

EMERGENCY NUMBER

93-0909-03E

PREVIOUS REGULATORY ACTION NUMBER

For use by Office of Administrative Law (OAL) only

ENDORSED
APPROVED FOR FILING
AND PUBLICATION

FEB 23 1994

Office of Administrative Law

NOTICE

REGULATIONS

For use by Secretary of State only

FILED

In the office of the Secretary of State
of the State of California

FEB 23 1994

An 323 O'Neil P. M.
TOLY, Asst. Secretary of State
Rita J. Rowell
Deputy Sec. of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE <u>Crary v. McMahon Interest Computations</u>		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER <u>93-1132-2</u>		PUBLICATION DATE <u>8-6-93</u>

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

TITLE(S) MPP	ADOPT
SECTIONS AFFECTED	AMEND 50-021.6, .62, .63, .65 and .7
	REPEAL

2. TYPE OF FILING

- ☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))
- ☒ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

- ☐ Print Only ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

Not Applicable

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

- ☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State ☐ Effective other (Specify)

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

- ☒ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal
- ☐ Other (Specify)

6. CONTACT PERSON

Frank Vitulli, Asst. Bureau Chief, Regulations Development Bureau

TELEPHONE NUMBER

(916) 657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Eloise Anderson

TYPED NAME AND TITLE OF SIGNATORY

Eloise Anderson, Director

DATE JAN 11 1994

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for re adoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Amend Sections 50-021.6, .62, .63, and .65 and adopt Section 50-021.7 to read:

50-021 CRARY V. McMAHON RETROACTIVE COURT ORDER (Continued)

50-021

.6 Computation of Corrective Payments

.61 (Continued)

.62 For the Food Stamp Program, a retroactive corrective payment shall be excluded as income for all Food Stamp households and excluded as a resource for categorically eligible Food Stamp households as long as they remain eligible for AFDC [MPP Section 63-501.3(o) and Section 63-502.2(j)].

.63 Counties shall offset any corrective payment against outstanding recoupable overpayments as specified in MPP Section 42-751.4.

.631 For claimants no longer on aid, the responsible county shall offset the retroactive payment for supportive services against overpayments as specified in MPP Section 42-751.41.

.632 Counties shall use a Temp GAIN 83 (Agreement to Balance GAIN Supportive Services Corrective Payment Against AFDC/Child Care Overpayment [7/93]) to request an agreement to balance retroactive corrective supportive service payments against outstanding AFDC and/or child care overpayments.

.64 (Continued)

.65 Computation of Interest. Counties shall:

.651 Pay interest on corrective payments to class members who are no longer on aid.

.652 Compute said interest and issue payment and issue a NOA M50-021A2 (Crary Retroactive Interest Payment [Rev. 8/93]). The payment period shall end September 30, 1993.

.653 Compute the amount of interest at the rate of seven (7) percent per year on the principal amount.

.654 Multiply the total corrective payment by the appropriate interest factor set forth in Handbook Section 50-021.655.

(a) To determine the appropriate interest rate multiplier factor, a county shall first determine the last month the class member received a transportation supportive service payment (Retroactive Benefit Month) and the month the class member was paid the corrective payment (Retroactive Payment Month). Where the two dates meet on the "Interest Chart for Crary Retroactive Corrective Payments" shall be the multiplying factor to be used to determine how much interest is to be paid the class member.

HANDBOOK BEGINS HERE

- (b) **EXAMPLE:** As a result of the Crary Court Order, the county owes Sue \$200.00 reflecting payment for transportation expenses for three months ending December 1987. The county paid Sue \$200.00 in September 1992. The retroactive benefit month is January 1988, and the retroactive payment month is August 1992. In September 1993, the county computes the interest to be paid to Sue, who is no longer on aid, at the rate of 7 per cent per year on the \$200.00 principal amount:

Retroactive Benefit Month--Jan. 1988 (Interest
= .3267 factor)
Retroactive Payment Month--Sept. 1992

Payment Paid Sept. 1992 \$200.00
Interest Percentage Factor X .3267
Interest Paid September 1993: = \$ 65.34

.655 Interest Chart for Crary Retroactive Benefit Payments

Retro- active Benefit Month	Retroactive Payment Month				
	Jul-92	Aug-92	Sep-92	Oct-92	Nov-92
Dec-86	.3908	.3967	.4025	.4083	.4142
Jan-87	.3850	.3908	.3967	.4025	.4083
Feb-87	.3792	.3850	.3908	.3967	.4025
Mar-87	.3733	.3792	.3850	.3908	.3967
Apr-87	.3675	.3733	.3792	.3850	.3908
May-87	.3617	.3675	.3733	.3792	.3850
Jun-87	.3558	.3617	.3675	.3733	.3792
Jul-87	.3500	.3558	.3617	.3675	.3733
Aug-87	.3442	.3500	.3558	.3617	.3675
Sep-87	.3383	.3442	.3500	.3558	.3617
Oct-87	.3325	.3383	.3442	.3500	.3558
Nov-87	.3267	.3325	.3383	.3442	.3500
Dec-87	.3208	.3267	.3325	.3383	.3442

Retro- active Benefit Month	Retroactive Payment Month				
	Jul-92	Aug-92	Sep-92	Oct-92	Nov-92
Jan-88	.3150	.3208	.3267	.3325	.3383
Feb-88	.3092	.3150	.3208	.3267	.3325
Mar-88	.3033	.3092	.3150	.3208	.3267
Apr-88	.2975	.3033	.3092	.3150	.3208
May-88	.2917	.2975	.3033	.3092	.3150
Jun-88	.2858	.2917	.2975	.3033	.3092
Jul-88	.2800	.2858	.2917	.2975	.3033
Aug-88	.2742	.2800	.2858	.2917	.2975
Sep-88	.2683	.2742	.2800	.2858	.2917
Oct-88	.2625	.2683	.2742	.2800	.2858
Nov-88	.2567	.2625	.2683	.2742	.2800
Dec-88	.2508	.2567	.2625	.2683	.2742
Jan-89	.2450	.2508	.2567	.2625	.2683
Feb-89	.2392	.2450	.2508	.2567	.2625
Mar-89	.2333	.2392	.2450	.2508	.2567
Apr-89	.2275	.2333	.2392	.2450	.2508
May-89	.2217	.2275	.2333	.2392	.2450
Jun-89	.2158	.2217	.2275	.2333	.2392
Jul-89	.2100	.2158	.2217	.2275	.2333
Aug-89	.2042	.2100	.2158	.2217	.2275
Sep-89	.1983	.2042	.2100	.2158	.2217
Oct-89	.1925	.1983	.2042	.2100	.2158
Nov-89	.1867	.1925	.1983	.2042	.2100
Dec-89	.1808	.1867	.1925	.1983	.2042

Retro- active Benefit Month	Retroactive Payment Month				
	Jul-92	Aug-92	Sep-92	Oct-92	Nov-92
Jan-90	.1750	.1808	.1867	.1925	.1983
Feb-90	.1692	.1750	.1808	.1867	.1925
Mar-90	.1633	.1692	.1750	.1808	.1867
Apr-90	.1575	.1633	.1692	.1750	.1808
May-90	.1517	.1575	.1633	.1692	.1750
Jun-90	.1458	.1517	.1575	.1633	.1692
Jul-90	.1400	.1458	.1517	.1575	.1633
Aug-90	.1342	.1400	.1458	.1517	.1575
Sep-90	.1283	.1342	.1400	.1458	.1517
Oct-90	.1225	.1283	.1342	.1400	.1458
Nov-90	.1167	.1225	.1283	.1342	.1400
Dec-90	.1108	.1167	.1225	.1283	.1342
Jan-91	.1050	.1108	.1167	.1225	.1283
Feb-91	.0992	.1050	.1108	.1167	.1225
Mar-91	.0933	.0992	.1050	.1108	.1167
Apr-91	.0875	.0933	.0992	.1050	.1108

HANDBOOK ENDS HERE

.7 Statistical Reporting

.71 (Continued)

.72 Report shall include the number of: (Continued)

.728 Total interest paid.

(a) Total claims paid interest.

.73 The GEN 1172 (Court Case Statistical Report [3/91]) for the Crary Interest Statistical Report shall be submitted to Statistical Services Bureau by October 31, 1993.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Crary v. McMahon, Sacramento County Superior Court, Case No. 363143; and Section 11323.2, Welfare and Institutions Code.

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 2-91)

AGENCY

AGENCY FILE NUMBER (if any)

California Department of Social Services

1193-47

OAL FILE
NUMBERS

NOTICE FILE NUMBER

REGULATORY ACTION NUMBER

EMERGENCY NUMBER

PREVIOUS REGULATORY ACTION NUMBER

94-0218-04E

For use by Office of Administrative Law (OAL) only

ENDORSED FEB 28 1994
APPROVED FOR FILING
AND PUBLICATION

FEB 28 1994

Office of Administrative Law

NOTICE

REGULATIONS

FILED

In the office of the Secretary of State
of the State of California

FEB 28 1994

At 4:30 O'clock P.M.
TONY WILLER, Acting Secretary of State
By *[Signature]*
Deputy Secretary of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE Student Loans and Grants		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

TITLE(S) MPP	ADOPT
SECTIONS AFFECTED	AMEND
	44-111
	REPEAL

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☒ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State ☐ Effective on filing with Secretary of State ☒ Effective other (Specify) March 1, 1994

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☒ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON

Frank Vitulli, Assistant Chief, Regulations Development Bureau

TELEPHONE NUMBER

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

[Signature]

TYPED NAME AND TITLE OF SIGNATORY

ELOISE ANDERSON, Director

DATE

FEB 28 1994

EMERGENCY

REGULATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

Original

California Department of Social Services

AGENCY FILE NUMBER (if any)

1193-47

NOTICE FILE NUMBER

REGULATORY ACTION NUMBER

EMERGENCY NUMBER

REGULATORY ACTION NUMBER

94-0218-04E

For use by Office of Administrative Law (OAL) only

NOTICE

REGULATIONS

PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TYPE OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
Student Loans and Grants			
3. NOTICE TYPE Notice re Proposed Regulatory Action <input type="checkbox"/> Other <input type="checkbox"/>	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	
5. AGENCY CONTACT PERSON	NOTICE REGISTER NUMBER	PUBLICATION DATE	
6. AGENCY CONTACT PERSON	NOTICE REGISTER NUMBER	PUBLICATION DATE	

SUBMISSION OF REGULATIONS (Complete when submitting regulations)

SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (including title 25, if toxics-related)

7. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S)	ADOPT
MPP	AMEND
SECTIONS AFFECTED	44-111
	REPEAL

TYPE OF FILING

Regular Rulemaking (Gov. Code, § 11346)	<input type="checkbox"/> Resubmittal	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)	<input checked="" type="checkbox"/> Emergency (Gov. Code, § 11346.1(b))
Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.6 prior to, or within 120 days of, the effective date of the regulations listed above.			
Print Only	<input type="checkbox"/> Other (specify)		
DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)			

EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.7)

Effective soon day after filing with Secretary of State	<input type="checkbox"/> Effective on filing with Secretary of State	<input checked="" type="checkbox"/> Effective other date	March 1, 1994
CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input checked="" type="checkbox"/> Department of Finance (Form STD. 399)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal	
Other (Specify)			

CONTACT PERSON	TELEPHONE NUMBER
Frank Vitulli, Assistant Chief, Regulations Development Bureau	657-2586

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE	DATE
ELOISE ANDERSON, Director	2/18/94

Amend Section 44-111.43 to read:

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME
(Continued)

44-111

.4 Exclusions or Exemptions of Other Payments and Income (Continued)

.43 Loans and Grants

The following loans and grants are not considered as income: (See Section 42-213.2c for treatment as property.) (Continued)

.432 Loans or grants made under Title IV of the Higher Education Act or under the Bureau of Indian Affairs student assistance program.

- a. This includes student loans and grants that are partially funded under these programs, e.g. 50 percent Title IV funds and 50 percent state funds.

HANDBOOK BEGINS HERE

- b. Examples of Title IV and Bureau of Indian Affairs loans and grants include:

1. Supplemental Educational Opportunity Grant Program
2. Carl D. Perkins Loans
3. Robert C. Byrd Honors Scholarship Program
4. National Science Scholars Program
5. State Student Incentive Grants
 - A. Cal Grant Program
6. Paul Douglas Teacher Scholarship Program
7. College Work Study (See Section 44-111.25.)
8. Income Contingent Loan (ICL) Program
9. Bureau of Indian Affairs Higher Education Grant
10. Indian Health Service Scholarship Program
11. Pell Grant

12. Federal Family Education Loan (FFEL) Program

- A. Guaranteed Student Loan (GSL) Program
- B. Stafford Loan Program
- C. Consolidation Loan Program
- D. Supplemental Loans for Students (SLS) Program
- E. Parent Loans for Students (PLUS) Program

HANDBOOK ENDS HERE

.4373 Any other grant or loan to any undergraduate student for educational purposes made or insured under any program administered by the Federal Secretary of Education. (See Section 44-111124/ College Work Study Program/)

Programs which are exempt under this section include but are not limited to the following:

- a/ Supplemental Educational Opportunity Grant Program (SEOG)
- b/ National Direct Student Loan Program (NDSL)
- c/ (has been deleted)
- d/ Basic Educational Opportunity Grant Program (BEOG)
- e/ Federal Insured Student Loan Program (FISL)
- f/ Guaranteed Student Loans
- g/ State Student Incentive Grant Program (SSIG)

.4374 Any other educational loans and grants to undergraduate students are exempt from consideration as income when they are awarded on the basis of the student's need.

The following are examples of programs that come within this class:

- a/ Extended Opportunity Program (EOP)
- b/ Bureau of Indian Affairs (BIA) grants and loans
- c/ California State Scholarship Program (Cal Grant A)
- d/ College Opportunity Grant Program (Cal Grant B)
- e/ Occupational, Educational, and Training Grant Program (Cal Grant C)

1433 a. ~~County welfare departments must secure~~ The recipient shall provide a certification from an official at the student's school (preferably from the Financial Aid Office) concerning the student's eligibility for this income exemption. If the loan or grant is wholly exempt under 1433 above/ The certification/ under 1433/ must state that the award is based on need and that the Public Assistance grant was considered in making the award.

.4345 Educational loans and grants other than those excluded in Sections 44-111.432, .433, and .434 ~~above are exempt from consideration as income~~ only to the extent that the proceeds are used to meet educational expenses, such as fees, equipment, special clothing needs, transportation to and from school, child care services necessary for school attendance, etc.

~~An example of a program that comes within this category is the Veterans Educational Assistance Program (GI Bill).~~

a. The necessary costs of transportation to and from school shall be allowed based on the mode most economically available and feasible in the particular circumstances. If it is determined that personal car usage meets the criteria above, all actual transportation costs will be prorated based on the percentage of miles driven to and from school to total miles driven. Allowable transportation costs include, but are not limited to, car payments, car insurance and registration and gasoline.

1433 b. ~~In the case of loans or grants that are wholly or partially exempt under 1434/~~ The student must appropriately document his/her educational expenses for the county welfare department in order to receive the this exemption. from consideration as income/

.436 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11008.15, and ~~11253/~~ 11451.7, Welfare and Institutions Code; 42 USC Section 602(g)(1)(E)(i); Section 202(a), Public Law 100-485 and Section 479B, Public Law 102-325; ~~45 CFR 244.10(c)~~ 45 CFR 233.20(a)(4)(ii); 45 CFR 233.20(a)(11)(v)(C); 45 CFR 255.3(f)(1); and Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992.

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

Original
For use by Secretary of State only

STD. 400 (REV. 2-91)

AGENCY

California Department of Social Services

AGENCY FILE NUMBER (If any)

0293-04

OAL FILE
NUMBERS

NOTICE FILE NUMBER

REGULATORY ACTION NUMBER

94-0225-03C

EMERGENCY NUMBER

93-0621-02E

PREVIOUS REGULATORY ACTION NUMBER

93-1027-03ER

For use by Office of Administrative Law (OAL) only

ENDORSED
APPROVED FOR FILING
AND PUBLICATION

APR 8 1994

Office of Administrative Law

NOTICE

REGULATIONS

FILED
In the office of the Secretary of State
of the State of California

APR 8 1994

At 3:08 O'clock P. M.
TONY MILLER, Acting Secretary of StateBy Robert Cornick
Deputy Secretary of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE Division 30 (CWS) Rewrite		TITLE(S)		FIRST SECTION AFFECTED		2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER			
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 93-1282		PUBLICATION DATE 7-9-93			

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

TITLE(S) MPP	ADOPT SEE ATTACHED
SECTIONS AFFECTED	AMEND SEE ATTACHED
	REPEAL SEE ATTACHED

2. TYPE OF FILING

- ☐ Regular Rulemaking (Gov. Code, § 11346)
 ☐ Resubmittal
 ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)
 ☐ Emergency (Gov. Code, § 11346.1(b))
- ☒ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only
 ☐ Other (specify) _____

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

January 28, 1994 through February 14, 1994

SEE ATTACHED

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

- ☐ Effective 30th day after filing with Secretary of State
 ☒ Effective on filing with Secretary of State
 ☐ Effective other (Specify) _____

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

- ☒ Department of Finance (Form STD. 399)
 ☐ Fair Political Practices Commission
 ☐ State Fire Marshal
- ☐ Other (Specify) _____

6. CONTACT PERSON

Frank Vitulli, Assistant Chief, Regulations Development Bureau

TELEPHONE NUMBER

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Eloise Anderson

TYPED NAME AND TITLE OF SIGNATORY

ELOISE ANDERSON, Director

DATE

FEB 25 1994

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for reoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

B.1. ADOPT

Division 31

Chapters 31-000, 31-100, 31-200, 31-300, 31-400, and 31-500

Sections 31-005, 31-082, 31-084, 31-105, 31-110, 31-115, 31-120, 31-130, 31-201, 31-205, 31-210, 31-215, 31-220, 31-225, 31-230, 31-235, 31-301, 31-305, 31-310, 31-325, 31-330, 31-335, 31-340, 31-345, 31-435, 31-445, 31-501, 31-505, 31-525

AMEND

Sections 30-100, 30-102, 30-109, 30-110, 30-120, 30-132, 30-134, 30-144, 30-154, 30-156, 30-158, 30-162, 30-170, 30-172, 30-174, 30-176, 30-184, 30-186, 30-192, 30-194, 30-196, 30-198

Sections 30-202, 30-220, 30-234, 30-244, 30-252, 30-254, 30-262, 30-264, 30-276,

Sections 30-302, 30-330, 30-336, 30-338, 30-342, 30-348, 30-354, 30-355, 30-356, 30-362, 30-364, 30-366, 30-368, 30-374, 30-376, 30-378,

Sections 30-402, 30-436, 30-442, 30-454, 30-456, 30-476, 30-491, 30-492, 30-493, 30-494, 30-495, 30-496, 30-497, 30-498, and 30-499

REPEAL

Chapters 30-100, 30-200, 30-300, and 30-400

Sections 30-110 (in part), 30-130, 30-140, 30-142, 30-144 (in part), 30-150, 30-152, 30-160, 30-170 (in part), 30-174 (in part), 30-176 (in part), 30-180, 30-184 (in part), and 30-190

Sections 30-200, 30-210, 30-230, 30-232, 30-234 (in part), 30-240, 30-242, 30-244 (in part), 30-246, 30-250, 30-254 (in part), 30-256, 30-260, 30-262 (in part), 30-270, 30-272, 30-274, and 30-276 (in part)

Sections 30-300, 30-310, 30-320, 30-332, 30-334, 30-340, 30-342 (in part), 30-344, 30-346, 30-350, 30-360, 30-370, 30-372, 30-374, 30-376 (in part), and 30-390

Sections 30-400, 30-410, 30-420, 30-430, 30-432, 30-434, 30-438, 30-440, 30-444, 30-446, 30-448, 30-450, 30-452, 30-455, 30-458, 30-460, 30-462, 30-466, 30-468, 30-470, 30-472, 30-474, 30-476 (in part), 30-478, and 30-490

3. ADOPT

Section 31-206

AMEND

Sections 31-002(a)(5), (c)(8) and (19), (r)(5), and (s)(4); 31-075.3(e); 31-088.2; 31-101.5; 31-105.115(d); 31-125.221(b); 31-201 Title, 31-201.11, .111, and .121(c)(1)(F); 31-205; 31-210; 31-320.2, .21, .312, .411, .412(c), .42, and .7; 31-325.212, .321, .321(a), .323, and .5; 31-340.3 et seq. and .4; 31-420.12; and 31-425.12

Handbook Section 31-320.114

DIVISION 31 CHILD WELFARE SERVICES PROGRAM

CHAPTER 31-000 GENERAL REQUIREMENTS

31-001 GENERAL

31-001

- .1 The requirements specified in Sections 31-005 through 31-525 shall be met by the county in the administration of child welfare services.
- .2 The following special provisions shall also apply:
 - .21 Provision of services to a child or family when the child is under the jurisdiction of Interstate Compact on the Placement of Children shall be subject to the additional requirements specified in Section 31-510.
 - .22 Provision of services to an Indian child shall be subject to the additional requirements specified in Sections 31-515 and 31-520.
 - .23 Provision of services to each child in placement age 16 or older shall be subject to the additional requirements specified in Section 31-525.
 - .24 Provision of services to a child or family when the child is placed out-of-county shall be subject to the additional requirements specified in Section 31-505.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 361.2(c) and (d), Welfare and Institutions Code;
~~Section 265, Civil Code;~~ 25 USCA Section 1901 et seq.; and 42
USC Sections 675 and 677.

Section 7901, Family Code;

CG

Amend Sections 31-002(a)(5), (c)(8) and (19), (r)(5), and (s)(4) to read:

31-002 DEFINITIONS

31-002

- (a) (1) "Administrative review" means a review open to the participation of the parents of a child in foster care conducted by a panel of appropriate persons at least one of whom is not responsible for the case management of, or the delivery of services to, either the child or the parents who are the subject of the review.
- (2) "Adult" means a person 18 years of age or older.
- (3) "Agreement" means a written document signed by two or more persons specifying what each person plans and agrees to do and/or not do with regard to accomplishing specifically stated objectives.
- (4) "Aid to Families With Dependent Children - Foster Care (AFDC-FC)" means aid provided on behalf of needy children in foster care who meet the eligibility requirements as specified in CDSS regulations and in applicable state and federal laws.
- (5) "Assessment ~~process~~" means ~~the process of gathering, evaluating, and documenting in the case plan~~ a written document which contains information relevant to the case situation and an appraisal of case services needs.
- (b) Reserved
- (c) (1) "Case management" means a service-funded activity performed by the social worker which includes assessing the child's/family's needs, developing the case plan, monitoring progress in achieving case plan objectives, and ensuring that all services specified in the case plan are provided.
- (2) "Case plan" means a written document which is developed based upon an assessment of the circumstances which required child welfare services intervention; and in which the social worker identifies a case plan goal, the objectives to be achieved, the specific services to be provided, and case management activities to be performed.
- (3) "Case plan update" means a written document which contains any changes regarding the information in the case plan and includes specific information about the current condition of the child and family.
- (4) "Case record" means a record for each child receiving child welfare services beyond the emergency response protocol, that contains all of the documentation requirements specified by the Division 31 regulations.
- (5) "Certified family home" means a family residence certified by a licensed foster family agency and issued a certificate of approval by that agency as meeting licensing standards, and used only by that foster family agency for placements.

- (6) "Child" means a person under 18 years of age.
- (7) "Child abuse" means the nonaccidental commission of injuries against a person. In the case of a child, the term refers specifically to the nonaccidental commission of injuries against the child by or allowed by a parent(s)/guardian(s) or other person(s). The term also includes emotional, physical, severe physical, and sexual abuse as defined in Sections 31-002(c)(7)(A) through (D).
- (A) "Emotional abuse" means nonphysical mistreatment, the results of which may be characterized by disturbed behavior on the part of the child such as severe withdrawal, regression, bizarre behavior, hyperactivity, or dangerous acting-out behavior. Such disturbed behavior is not deemed, in and of itself, to be evidence of emotional abuse.
- (B) "Physical abuse" means nonaccidental bodily injury that has been or is being inflicted on a child. It includes, but is not limited to, those forms of abuse defined by Penal Code Sections 11165.3 and .4 as "willful cruelty or unjustifiable punishment of a child" and "corporal punishment or injury."
- (C) "Severe physical abuse" means any single act of abuse which causes physical trauma of sufficient severity that, if left untreated, it would cause permanent physical disfigurement, permanent physical disability, or death; any single act of sexual abuse which causes significant bleeding, deep bruising, or significant external or internal swelling; or repeated acts of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.
- (D) "Sexual abuse" means the victimization of a child by sexual activities, including, but not limited to, those activities defined in Penal Code Section 11165.1.
- (8) "Child Health and Disability Prevention (CHDP)" means a public health well child program to provide ~~health~~ medical and dental care ~~services~~ and ~~health~~ assessment services to eligible children. The program is administered at the state level by the Department of Health Services and locally by local health departments.
- (9) "Child in immediate danger" means a child whose health and safety are in jeopardy as described in Welfare and Institutions Code Section 306(b).
- (10) "Child-placing agency" means a county welfare or social services department and a county probation department when subject to the provisions of Welfare and Institutions Code Section 202.5
- (11) "Child welfare services" means public social services directed toward protecting and promoting the welfare of children as defined by Welfare and Institutions Code Section 16501(a).

- (12) "Community planning" means participation in local efforts in order to develop new services to resolve problems and in order to improve the coordination between existing services.
- (13) "Consultation" means activity on the child's behalf in which county staff or a third person or organization seek the expertise of the other.
- (14) "Contact" means contact in person, in writing, or by telephone by a social worker or other person authorized by the Division 31 regulations to make case contacts with the child, parent(s)/ guardian(s), out-of-home care providers, and/or other persons involved in the case plan (e.g., siblings, other relatives).
- (15) "Coordination" means activity on the child's behalf in order to integrate the activities of county staff and third persons or organizations in solving a specific problem.
- (16) "Counseling" means assisting the child and his/her family to analyze and better understand the situation; select methods of problem-solving; identify goals; and explore alternative behavior.
- (17) "County" means a county welfare or social services department.
- (18) "County Deputy Director" means that position in the county that is responsible for countywide supervision of the county's Child Welfare Services program.
- (19) "County staff" means those public employees responsible, directly or indirectly, for the delivery or authorization for the delivery of social services, and whose salaries or wages are funded in whole or in part through the Social Security Act Titles IV-B/ or IV-E, or Title XX of the Social Security Act (as described in the child welfare services component of the California Department of Social Services publication "Title XX Block Grant Preexpenditure Report"). This does not include employees of contract agencies under contract to the county for the delivery of social services or individual contractors.
- (20) "Crisis intervention" means determining the cause of the crisis; offering support to all family members; defusing the situation; and assessing the potential for harm to all family members.
- (d) (1) "Day care" means day care as described by Health and Safety Code Section 1596.750 in defining a child day care facility.
- (2) "Department" means the California Department of Social Services (CDSS).
- (e) (1) "Eligible" means entitled to receive necessary child welfare services.
- (2) "Emergency in-home caretaker" see definition of "Temporary in-home caretaker."

- (3) "Emergency response assessment" means an assessment of an emergency response referral conducted by a social worker skilled in emergency response for the purpose of determining whether an in-person investigation is required.
- (4) "Emergency response in-person investigation" means a face-to-face response by a social worker skilled in emergency response for the purpose of determining the potential for or the existence of any condition(s) which places the child or any other child in the household at risk and in need of services and which would cause the child to be a person described by Welfare and Institutions Code Sections 300(a) through (j).
- (5) "Emergency response protocol" means the documented activities of the emergency response social worker necessary to determine whether or not an in-person investigation is appropriate.
- (6) "Emergency response referral" means a referral that alleges child abuse, neglect, or exploitation as defined by Penal Code Section 11165 et seq. and the Division 31 regulations. An emergency response referral does not include inappropriate inquiries such as those regarding aid payments, Medi-Cal cards, etc.
- (7) "Emergency response services" means those services described in Welfare and Institutions Code Section 16501(f).
- (8) "Emergency shelter care" means the provision of a protective environment for a child who must be immediately removed, pursuant to Welfare and Institutions Code Section 300, from his/her own home or current foster care placement, and who cannot be immediately returned to his/her own home or foster care placement.
- (9) "Exploitation" means forcing or coercing a child into performing functions which are beyond his/her capabilities or capacities, or into illegal or degrading acts. The term also includes sexual exploitation as defined by Penal Code Section 11165.1(c).
- (f) (1) "Family" means, for purposes of providing child welfare services, parents, adults fulfilling the parental role, guardians, children, and others related by ancestry or marriage.
- (2) "Family maintenance services" means those services described in Welfare and Institutions Code Section 16501(g).
- (3) "Family preservation worker" means a social worker who provides family preservation services as specified in Welfare and Institutions Code Section 16500.5.
- (4) "Family reunification services" means those services described in Welfare and Institutions Code Section 16501(h).
- (5) "Foster care" means the provision of 24-hour care and supervision to a child who has been placed by a child placing agency in one of the following types of foster homes:

- (A) A licensed foster family home.
 - (B) A licensed small family home.
 - (C) A family home certified by a licensed foster family agency for its exclusive use.
 - (D) A foster family home which has been certified pending licensure.
 - (E) A licensed group home for children.
 - (F) The home of a relative other than the child's parent/guardian, pursuant to a court order or voluntary placement agreement.
- (6) "Foster family agency" means any organization engaged in the recruiting, certifying, and training of, and providing professional support to, foster parents, or in finding homes or other places for placement of children for temporary or permanent care who require that level of care as an alternative to a group home.
- (7) "Foster family home" means any residential facility providing 24-hour care for six or fewer foster children which is owned, leased, or rented and is the residence of the foster parent or parents, including their family, in whose care the foster children have been placed. The placement may be by a public or private child placement agency or by a court order, or by voluntary placement by a parent, parents, or guardian.
- (8) "Foster parent" means a person whose home is licensed as a foster family home or licensed as a small family home or certified for 24-hour care of children; a person to whom the responsibility for the provision of foster care is delegated by the licensee, and a relative other than the child's parent/guardian who has the responsibility for the provision of foster care pursuant to a court order or voluntary placement agreement.
- (g) (1) "Grievance" means an expression of dissatisfaction with a child-placing agency's procedures or actions, as such procedures or actions relate to the placement or care of a child in, or removal of a child from, a particular foster home.
- (A) "Grievance review agent" means the person or panel designated by the director of the child-placing agency to conduct the grievance review and render a recommended decision to the director of the agency.
 - (B) "Party to grievance review" means a foster parent, legal parent, legal guardian, or child requesting the review; and the child-placing agency responsible for the action upon which the complaint is based.

- (2) "Group home" means a nondetention privately operated residential home of any capacity that provides services in a group setting to children in need of care and supervision, as required by Paragraph (1) of Subdivision (a) of Section 1502 of the Health and Safety Code.
- (3) "Guardian" means a person appointed by the superior court pursuant to the provisions of Probate Code Section 1514, or appointed by the juvenile court pursuant to the provisions of Welfare and Institutions Code Section 366.25 or .26.

(h) Reserved

- (i) (1) "Independent Living Program (ILP)" means the program authorized under 42 USC 677 of the Social Security Act for services and activities to assist children age 16 or older in foster care to make the transition from foster care to independent living.
 - (A) "Written transitional independent living plan" means a written description of the programs and services, including employment, as appropriate, based on an assessment of the individual child's skills and abilities, which will help the child prepare for transition from foster care to independent living.
- (2) "Indian" means a person who is a member of an Indian tribe, or who is an Alaskan Native and a member of a Regional Corporation as defined in 43 USC 1606.
 - (A) "Indian child(ren)" means an unmarried person under 18 years of age who is a member of an Indian tribe, or who is eligible for tribal membership and is the biological child of a tribe member.
 - (B) "Indian child's extended family" means "extended family" as defined by the law or custom of the Indian child's tribe; or, in the absence of such a law or custom, a person 18 years of age or over who is the Indian child's grandparent, aunt, uncle, brother, sister, brother-in-law, sister-in-law, niece, nephew, first or second cousin, or stepparent.
 - (C) "Indian child's parent" means a biological parent of an Indian child; or an Indian who has lawfully adopted an Indian child. Lawful adoptions include adoptions under tribal law or custom. The term does not include the unwed father when paternity has not been acknowledged or established.
 - (D) "Indian child's tribe" means the Indian tribe in which an Indian child is a member or is eligible for membership; or, in the case of an Indian child who is a member of or is eligible for membership in more than one tribe, the Indian tribe with which the Indian child has the more significant contacts.
 - (E) "Indian custodian" means an Indian who has legal custody of an Indian child under tribal law or custom, or under state law; or to whom temporary physical care, custody, and control has been transferred by the parent(s) of such Indian child.

- (F) "Indian organization" means a group, association, partnership, corporation, or other legal entity owned or controlled by Indians, or a majority of whose members are Indians.
- (G) "Indian tribal court" means a court, recognized by the Secretary of the Interior, with jurisdiction over child custody proceedings and which is either a Court of Indian Offenses; a court established and operated under the code or custom of an Indian tribe; or any other administrative body of a tribe which is vested with jurisdiction over child custody proceedings.
- (H) "Indian tribe" means an Indian tribe, band, nation or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians, including any Alaska native village as defined in 43 USC 1602c.
- (3) "Individualized Education Program (IEP)" means an individualized education program for children with identified special educational needs. The IEP is developed by an individualized education program team which consists of a representative other than the child's teacher designated by the school administration, the child's present teacher, or the teacher with the most recent and complete knowledge of the child who has also observed the child's educational performance, and one or both of the child's parents. The IEP includes the identification of educational needs, assessment, instructional planning, and placement.
- (4) "Information" means enabling a person to have current, accurate knowledge regarding available public and private resources established to help relieve socio-health problems.
- (5) "Interstate Compact on the Placement of Children (ICPC)" means a legislatively ratified administrative process between member states to safeguard the interests of children who are placed in one state by an agency of another state.
 - (A) "Appropriate public authority" means the state's Interstate Compact Administrator.
 - (B) "Receiving agency" means a person or entity designated to receive any child from another party state.
 - (C) "Sending agency" means a party state, officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another party state.
- (j) Reserved
- (k) Reserved

- (1) "Licensing agency" means, for purposes of the Child Abuse and Neglect Reporting Act, the CDSS office responsible for the licensing and enforcement of the California Community Care Facilities Act, the California Child Day Care Act, or the county licensing agency which has contracted with the state for performance of those duties.
- (m) (1) "Mandated reporter" means a person who, pursuant to the Child Abuse and Neglect Reporting Act, is required to report knowledge or reasonable suspicion of child abuse which is obtained while acting in a professional capacity or within the scope of his/her employment. Such persons include child care custodians, health practitioners, employees of child protective agencies, child visitation monitors, and commercial film and photographic print processors, pursuant to Penal Code Sections 11165 through 11166.
- (2) "Minor" means a person under 18 years of age; or a person 18 years of age who is in a high school or vocational/technical program, provided that he/she will complete such program before he/she reaches 19 years of age.
- (n) (1) "Neglect" means the failure to provide a person with necessary care and protection. In the case of a child, the term refers to the failure of a parent(s)/guardian(s) or caretaker(s) to provide the care and protection necessary for the child's healthy growth and development. Neglect occurs when children are physically or psychologically endangered. The term includes both severe and general neglect as defined by Penal Code Section 11165.2 and medically neglected infants as described in 45 Code of Federal Regulations (CFR) Part 1340.15(b).
- (o) (1) "Out-of-home care provider" means a person or entity who provides foster care.
- (p) (1) "Parent" means the natural or adoptive father or mother, whether married or unmarried; or other adult fulfilling the parental role.
- (2) "Parenting training" means child development, home management and consumer education provided through social services and/or specialized formal instruction and practice in parenting skill achievement in accordance with Welfare and Institutions Code Section 16507.7.
- (3) "Permanent placement services" means those services described in Welfare and Institutions Code Section 16501(i).
- (4) "Planning" means activity in which county staff and the child and/or his/her family mutually identify a specific goal, the specific services to be used in resolving identified problems, and service delivery methods.
- (5) "Preferential consideration" means that the relative seeking placement shall be the first placement to be considered and investigated.

- (6) "Preplacement preventive services" means those services designed to help children remain with their families by preventing or eliminating the need for removing the child from the home. Preplacement preventive services are emergency response services and family maintenance services.

(q) Reserved

- (r) (1) "Recruitment" means activity to find and develop resources which are necessary but do not exist, or which exist but must be expanded.
- (2) "Referral to community agency" means informing another service agency that a child and/or that child's family desires or requires that agency's services; and assisting the child and/or family to avail themselves of such services.
- (3) "Representative" means a person authorized by a party to a grievance review, or by specified administrative review hearing participants, to act for and represent that party or participant in any and all aspects of a grievance procedure or administrative review hearing.
- (4) "Relative" means, for purposes of preferential consideration for placement of a minor, an adult who is a grandparent, aunt, uncle, or sibling of the minor.
- (5) "Respite care" means the provision of prearranged child care when a parent(s)/guardian(s) or foster parent(s) is absent or incapacitated, and a determination has been made that temporary in-home or out-of-home care is in the child's best interest. Respite care services are offered as part of a case plan to allow a temporary respite of parental duties, so that a parent(s)/guardian(s) or foster parent(s) is able to fulfill other responsibilities necessary to improve or maintain the parenting function. Respite care services do not exceed 72 hours per session. These services are not provided for the purpose of routine, on-going child day care.
- (s) (1) "Seriously emotionally disturbed" means those children described in Welfare and Institutions Code Section 5600.3.
- (2) "Service funded activity" means activities which are provided as determined by each county based upon the individual child and family needs as identified in the case plan and includes, but is not limited to, those activities specified in Welfare and Institutions Code Section 16501(a)(1).
- (3) "Small family home" means any residential facility, in the licensee's family residence, which provides 24-hour care for six or fewer foster children who have mental disorders or developmental or physical disabilities and who require special care and supervision as a result of their disabilities. A small family home may accept children with special health care needs pursuant to Subdivision (a) of Section 17710 of the Welfare and Institutions Code. In addition to placing children

with special health care needs, the Department may approve placement of children without special health care needs, up to the licensed capacity.

- (4) "Social services" or "services" means the composite of service programs funded under the Social Security Act Titles IV-B/ and IV-E, and Title XX of the Social Security Act (as described in the child welfare services component of the California Department of Social Services publication "Title XX Block Grant Preexpenditure Report"), and any other applicable funding sources.
- (5) "State agency" means the California Department of Social Services (CDSS).
- (6) "Substance abuse testing" means the process of chemical analysis to determine if certain drugs, including alcohol, or controlled substances are present, indicating that a person has used or has in his/her system, a specified drug or substance.
- (t) (1) "Teaching and demonstrating homemaker" means a person who provides homemaking instruction, through discussion and example, to parent(s)/guardian(s), or other adult(s) fulfilling the parental role, and/or families when parent/guardian functioning can be improved by teaching more effective child care skills and home maintenance. Although this instruction does not include the routine provision of regular homemaker services, teaching and demonstrating homemakers may provide direct child care and home maintenance services incidental to the primary goal of improving parent functioning through demonstrating and teaching the skills required to successfully manage and maintain the home and meet the needs of children in that setting. This instruction is available on a 24-hour basis as resources permit. It does not necessarily have to be provided during the presence of the parent(s)/guardian(s) in the home.
- (2) "Temporary in-home caretaker" means a person who provides temporary care to a child in the child's own home in lieu of out-of-home placement when a parent(s)/guardian(s) is unable to care for the child because of an absence or illness and there is no other caretaker available to provide necessary care. Temporary in-home caretakers do not provide routine, on-going child day care.
- (3) "Therapeutic day services" means nonmedical care, counseling, educational or vocational support, or social rehabilitation services on less than a 24-hour basis to children who would otherwise be placed in foster care or who are returning home from foster care.
- (4) "Transportation" means conveying a child and/or the child's family from one place to another when mobility is necessary to support a specific case plan, and no other means of conveyance is available.
- (u) (1) "Unfounded report" means a report of child abuse, which is determined by a child protective agency investigator to be false, to be inherently improbable, to involve an accidental injury, or not to constitute child abuse, as defined in Penal Code Section 11165.6.

(v) (1) "Visit" means a face-to-face contact between:

(A) A social worker or other person authorized by the Division 31 regulations to make visits with the child, the child's family, and/or the out-of-home care provider; or

(B) A child and his/her parent(s)/guardian(s), siblings, grandparents, or others deemed appropriate by the county or juvenile court.

(2) "Voluntary placement" means a placement described by Welfare and Institutions Code Section 11400(n).

(3) "Voluntary placement agreement" means the agreement described by Welfare and Institutions Code Section 11400(o).

(w) Reserved

(x) Reserved

(y) Reserved

(z) Reserved

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 300, 300(c), 300(e), 306(b), 361, 11400(a), 16501.1(f)(7), and 16503, Welfare and Institutions Code; Section 11165 et seq., Penal Code; Section 265, Civil Code; 42 USC Section 675; Section 1502, Health and Safety Code.

.1 The county shall perform the following program support activities:

- .11 Establish an effective system of preplacement preventive services for children through liaison with the courts, and with probation, law enforcement, and other public and private agencies.
 - .111 Such system shall provide for cooperative working arrangements with other county and community agencies for receiving appropriate referrals, and for developing remedial resources for the protection of children.
- .12 Actively recruit competent placement providers and facilities to meet the varied needs of children for such care.
- .13 Ensure that county staff are aware of the policies and programs that are available through placement facilities to ensure their effective use.
- .14 Encourage community planning to meet children's needs by performance of the following activities:
 - .141 Delineation of such needs.
 - .142 Encouragement and assistance in developing and expanding the following in the community:
 - (a) Services which improve parent/guardian effectiveness, and which reduce the need for out-of-home care.
 - (b) Facilities which can provide care, supervision, and services to children.
 - (c) Services and activities which are beneficial to children.
- .15 Establish working relationships with the court which provide for methods of delineating the county's responsibility for the following:
 - .151 Maintenance of the confidentiality of public assistance and social service records of the parent(s)/guardian(s) and children during the necessary provision of information, evaluations, and recommendations for the court's use in determining its actions.
 - .152 Enforcement of court orders.
 - .153 Reporting of developments to the court.
- .16 Utilize volunteers as specified in Section 31-305.

.17 Contact each health care facility in the county that provides acute care to infants to obtain the name, title and telephone number of the person who is designated by the health care facility to act as a liaison to the county for medically neglected infants as defined in Section 31-002(n) (1).

.171 The county shall, no less than once a year, recontact each health care facility in the county that provides acute care to infants to obtain any changes in the name, title and telephone number of the designated person.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 827, 10850, and 16500, Welfare and Institutions Code and 45 CFR 1340.15(c) (2) (ii).

- .1 The county shall be permitted to establish an emergency response services unit in cooperation with neighboring counties, provided that the requirements specified in Welfare and Institutions Code Section 16502 have been met.

HANDBOOK BEGINS HERE

- .11 Welfare and Institutions Code Section 16502 specifies as follows:

Child welfare services... shall be established in any county or combination of counties when a plan which includes financing of such services has been certified by the department.

HANDBOOK ENDS HERE

- .2 No application or inquiry into income or status shall be made for the purpose of determining eligibility for emergency response services.
- .3 The county shall maintain statistics on every emergency response services request or referral received.
 - .31 Such data shall be summarized and reported to the department on the preplacement preventive services report form.
- .4 The county shall retain completed emergency response protocol forms at a minimum of three years in accordance with Manual of Policies and Procedures Section 23-353.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10852, 10853, 16500, 16501, and 16502, Welfare and Institutions Code.

- .1 Emergency response services shall include free public telephone access to emergency response staff at any time.
 - .11 The county shall arrange for toll-free long distance calls, or shall accept collect calls.
 - .12 The county shall be permitted to provide telephone answering services through community agencies, except that such services shall not be provided through law enforcement or probation agencies.
 - .121 Such agencies shall provide for immediate transfer to the county of any call alleging or pertaining to child abuse, neglect, or exploitation.
 - .13 A "911" telephone number shall not be the sole access to emergency response services unless the agency answering the telephone transfers all requests and referrals regarding child welfare services to the county.
 - .14 All calls shall be referred to an emergency response social worker unless the person answering the telephone is trained in screening incoming calls regarding child welfare services.
- .2 The emergency response telephone number shall be publicized by all of the following means:
 - .21 Telephone book and community resources directory listings.
 - .211 The county shall request that the emergency response telephone number be listed in the crisis line section or emergency pages of the local telephone directory.
 - .22 Distribution to schools, physicians, hospitals, and other entities likely to observe abused, neglected, and exploited children.
 - .23 Ongoing public awareness activities which encourage self-referrals.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16504, Welfare and Institutions Code.

- .1 Grievance procedures shall be developed to review complaints from foster parents, legal parents, guardians, and children concerning the placement or removal of a child from a foster home. All issues shall be resolved in the best interest of the child.
- .2 Grievance reviews shall not be granted for the following issues:
 - .21 Removal of a child under any of the circumstances specified in Sections 31-440.21 through .25.
 - .22 Removal of a child or modification of services resulting from an administrative review panel determination.
 - .23 Removal of a child for direct placement into an adoptive home.
 - .24 Any complaint regarding only the validity of a law or of a statewide regulation.
 - .25 Any complaint regarding an issue for which a state hearing is available as specified in Welfare and Institutions Code Sections 10950 through 10965.
- .3 Review request procedures shall include the following:
 - .31 The county shall explain the right to a review, and shall provide a copy of the grievance procedure regulations to the following parties:
 - .311 A legal parent/guardian at the time the child is placed.
 - .312 A foster parent at the time of licensing.
 - .313 Any complainant at the time a complaint is filed.
 - .32 A review request shall be filed in the form of a written statement signed by the complainant.
 - .33 The review request shall set forth the facts which the interested person believes provide a basis for reversal of the county action.
 - .34 The complainant shall file the review request within ten calendar days after becoming aware of the action under complaint.
 - .341 In cases of removal not exempted from review as specified in Sections 31-020.21 through .25 and in Sections 31-440.21 through .25, the complainant shall submit the review request to the county not less than two calendar days prior to the intended date of removal.
 - .35 The county shall assist in preparation of the complaint if assistance is requested or necessary.

- .4 The review shall be held within ten working days from the date the written complaint is received by the agency.
- .41 Notice of the date, time and place for the review shall be received by all parties not less than five calendar days prior to the hearing.
- .5 The review shall be conducted as follows:
 - .51 The review agent shall be:
 - .511 A staff or other person not involved in the complaint.
 - .512 Neither a co-worker nor a person directly in the chain of supervision of any of the persons involved in the complaint unless the agent is the director or chief deputy of the county.
 - .513 Knowledgeable of the field and capable of objectively reviewing the complaint.
 - .52 The review agent shall, to the extent possible, conduct all reviews in a nonadversarial atmosphere.
 - .53 All parties and representatives shall be permitted to examine all documents and physical evidence introduced by parties to the hearing.
 - .54 The parties and their representatives, and witnesses while testifying, shall be the only authorized persons present during the review unless all parties and the review agent consent to the presence of other persons.
 - .55 All testimony shall be given under oath or affirmation.
 - .56 The review agent shall have the authority to continue to review for a period not to exceed ten calendar days if additional evidence or witnesses are necessary for determination of the issue.
- .6 Review decisions shall be rendered as follows:
 - .61 The review agent shall render a written recommended decision, and the county director shall issue a final written decision, within five calendar days after review completion.
 - .62 The decision shall be based upon the evidence presented at the hearing.
 - .63 The county director's decision shall contain a summary statement of the facts, the issues involved, findings, and the basis for the decision.
 - .64 A copy of the decision shall be sent to the following:
 - .641 Each party to the review.
 - .642 Every representative of each party.
 - .643 The California Department of Social Services.

- .7 Unless the child is in immediate danger, he/she shall remain with the foster parent(s), pending decision of the county director, when removal is the basis for a complaint.
- .8 The review record shall be retained for one year from the decision date, and shall include all documents, copies of documents, and physical evidence accepted as review evidence.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16503, Welfare and Institutions Code.

- .1 Administrative reviews shall be conducted as specified in Welfare and Institutions Code Sections 366.3, 16503, and 16507.3; and 42 USC 675(6).

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- .11 These statutes identify the children in foster care placement who are to receive administrative reviews and specifies that each child's status is to be reviewed periodically, but no less frequently than once every six months.

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- .2 Administrative reviews shall not be required for children for whom a legal guardian has been appointed as a permanent plan unless the child has been removed from the guardian pursuant to Welfare and Institutions Code Section 300.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 366.3, 16503, and 16507.3, Welfare and Institutions Code and 42 USC Section 675(6).

- .1 The administrative review panels shall make determinations as specified in Welfare and Institutions Code Section 16503 and 42 USC 675(5).

Authority Cited: Sections 10533 and 10554, Welfare and Institutions Code.

Reference: Section 16503, Welfare and Institutions Code and 42 USC 675(~~6~~5).

- .1 Each administrative review panel shall include three or more members as follows:
 - .11 At least one member shall be outside the direct line of supervision of the case under review.
 - .111 Such member shall not be the worker, his/her supervisor, or persons at other levels of supervision or administration who could directly influence the placement of the child.
- .2 Hearing procedures shall be established to address the objectives specified in Welfare and Institutions Code Section 16503.
- .3 The county shall develop, maintain, and implement a written administrative review plan.
 - .31 The plan shall include the following:
 - .311 The number and size of review panels established as specified in Sections 31-035.1 through .111.
 - .312 A summary of the training to be provided to review panels.
 - .313 Procedures for notification of participating parties, as specified in Sections 31-045.1 and .2.
 - .314 Procedures for conduct of hearings, as specified in Sections 31-050.1 and .2
 - .315 Standards and procedures under which hearings will be scheduled, postponed, or continued, as specified in Sections 31-050.3 through .33.
- .4 Prior to implementing the administrative review plan the county shall submit to the Department written certification that their plan meets all requirements specified in Sections 31-035.3 through .315.
- .5 If the plan is modified, the county shall recertify to the CDSS that the county's plan continues to meet all the requirements.
 - .51 The county shall document and maintain records of all modifications to the administrative review plan.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16503, Welfare and Institutions Code.

1. The following parties to the case under review shall be allowed to participate in the administrative review hearing:

- .11 The parent(s)/guardian(s) from whom the child has been removed, provided that such person(s) parental rights have not been voluntarily relinquished, or terminated by court action.
- .12 Any other relative of the child who has been significantly involved in his/her care.
- .13 The child, if 10 years of age or older.
- .14 The current foster care provider(s).
- .15 The social worker(s) responsible for the case management or service delivery of the child or parent(s)/guardian(s).
- .16 The representative(s), as defined in Section 31-002(r)(3).
 - .161 Such representative(s) shall be allowed to attend the review in the party's place or company.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16503, Welfare and Institutions Code.

- .1 At the time of initial placement in foster care, the requirements specified in Section 31-401.2 shall be met.
- .2 At least 15 calendar days prior to a scheduled administrative review hearing, the agency shall provide written notice of the hearing to the parties specified in Sections 31-040.11, .13, .14, and .16.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16503, Welfare and Institutions Code.

- .1 The services social worker or other qualified person familiar with the case shall present the case plan and any additional information to the administrative review panel in the detail necessary to enable panel members to meet the objectives specified in Welfare and Institutions Code Section 16503.
- .2 The review panel shall allow comments by all hearing participants.
- .3 Hearings shall be postponed or continued only at the request of the child, or of the parent(s)/guardian(s); or if the review panel determines that additional time is necessary to obtain or evaluate information necessary to make an appropriate case-related decision.
 - .31 No delay shall be allowed unless it is in the best interest of the child.
 - .32 The delay shall not exceed ten working days.
 - .33 No more than one postponement or continuance shall be granted for each six-month review period.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16501.1 and 16503, Welfare and Institutions Code.

- .1 The panel shall have the authority to modify the placement, the permanent placement plan, and the county's current individual case plan goals and services, consistent with the determinations specified in Welfare and Institutions Code Section 16503.
 - .11 If the panel determined that a necessary change in the permanent placement plan, or in individual case plan goals and services, requires modification or termination of an existing court order, the panel shall direct the county to petition the court for the recommended change.
 - .111 The county shall continue to provide services pursuant to the requirements of the court order pending court consideration of recommended changes.
 - .112 If the court does not modify the court order as recommended by the review panel, the county shall notify the panel and shall continue to provide services consistent with the court order.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16503, Welfare and Institutions Code.

- .1 The administrative review panel shall complete or direct the completion of a written report including, but not limited to the following information:
 - .11 The panel shall be permitted to use a copy of the case plan to fully or partially comply with the requirement specified in Section 31-060.1, provided that the requirements specified in Sections 31-060.2 and .3 are met.
- .2 The report shall include determinations as specified in Welfare and Institutions Code Section 16503 and 42 USC 675(5).
- .3 Each report shall be completed within 15 calendar days of the hearing.
- .4 The report shall be signed by the chairperson of the review panel.
- .5 The county shall, within 15 calendar days following the hearing, distribute copies of the administrative review panel recommendations to:
 - .51 The child, if 10 years of age or older.
 - .52 The parent(s)/guardian(s) of the child; and his/her representative(s), as defined in Section 31-002(r)(3).
 - .53 The child's case record.
 - .54 The juvenile court, except for voluntary cases.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16503, Welfare and Institutions Code and 42 USC 675(~~6~~5).

- .1 The regulations in this chapter shall not be interpreted as interfering with the right of hearing participants to petition the court as otherwise specified in law.
- .2 In all activities connected with the administrative review, confidentiality of information shall be assured as specified in Manual of Policies and Procedures Division 19-000.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16503, Welfare and Institutions Code.

- .1 County staff who provide emergency response and family maintenance services shall meet the following qualifications:
 - .11 At least 50 percent of the professional staff providing emergency response services, and at least 50 percent of the professional staff providing family maintenance services, shall possess a master's degree in social work, or its equivalent in education and/or experience as certified by the State Personnel Board or a county civil service board.
 - .12 One hundred (100) percent of the supervisors of staff providing emergency response and family maintenance services shall possess a master's degree in social work, or its equivalent in education and/or experience as certified by the State Personnel Board or a county civil service board.
 - .13 Remaining emergency response and family maintenance services professional staff shall possess a bachelor's degree in social work or its equivalent in education and/or experience as certified by the State Personnel Board or a county civil service board.
 - .14 Bilingual staff shall be available as specified in Manual of Policies and Procedures Chapter 21-100.
- .2 At the beginning of the calendar year, the county shall determine if it meets the requirements specified in Sections 31-070.11, .12, and .13, unless the county has an approved plan pursuant to Section 31-070.21.
 - .21 If the county is unable to meet the requirements specified in Sections 31-070.11, .12, and .13, the county shall:
 - .211 Document the reason(s) for such inability in a written statement to the Department.
 - .212 Submit to the Department for approval a plan specifying the means by which the county plans to meet the requirements of Sections 31-070.11, .12, and .13, and the time frame by which the county expects to obtain compliance.
 - (a) Upon plan approval, the Department shall have the authority to defer the requirements specified in Sections 31-070.11, .12, .13, and .2 for a period up to three years.
 - .22 At the end of the time frame specified in the county's plan, but no more than three years from the date the county submits its plan to the Department, the county shall notify the Department, in writing, of its progress in obtaining compliance.

.221 If the county has failed to obtain compliance, the county shall follow the procedures in Section 31-070.21.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16501(c) and (e), Welfare and Institutions Code and 45 CFR 1356.21(d).

Amend Section 31-075.3(e) to read:

31-075 CASE RECORDS

31-075

- .1 The county shall develop and maintain a current case record for each request or referral that requires child welfare services beyond the emergency response protocol specified in Section 31-105.
- .2 Case records shall be retained at a minimum of three years in accordance with Manual of Policies and Procedures Section 23-353.

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- .21 The Department requires case records to be retained more than three years in certain circumstances such as, court orders, audits and/or federal mandates.

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- .3 Each case record shall contain at least the following information:
 - (a) A face sheet with identification information regarding the child; family; and placement services provider, if any.
 - (b) Documentation of all contacts with the child, family, or other individuals regarding the child or family.
 - (c) Documentation of the appropriateness of sibling contact and, if appropriate, a schedule of planned sibling contacts and visits with the child.
 - (d) Documentation of the justification for any exceptions allowed regarding contacts or visits pursuant to Sections 31-320 and 31-325.
 - (e) All assessments, case plans, and case plan updates.
 - (1) Documentation of the date a copy of the case plan/case plan update was provided to the parent(s)/guardian(s).
 - (f) Any data or documents, relating to the child or family, which have been received or sent by the county.
 - (g) Any documents that support how the case is reported pursuant to Sections 31-082 through 31-090.
 - (h) For children in out-of-home care, all available health and education reports regarding the child, including, but not limited to, dated documentation of the following:
 - (1) Provision of informational materials regarding the CHDP Program, as specified in Section 40-107.6, and the acceptance or refusal of the CHDP services.

- (2) Offering of medical/dental transportation and scheduling assistance.
- (i) Any written modifications or prohibitions to the foster parent'(s) privilege to give legal consent for the child, if applicable.
- (j) Any written parent/guardian consents required by the Division 31 regulations.
- (k) For children with histories of juvenile court involvement as actual or potential dependents, any documents submitted to or received from the court, including petitions and court reports.
- (l) For children who have been assessed as being seriously emotionally disturbed, the individualized education program designed for the child, if available..
- (m) Any information release(s) signed by the parent(s)/guardian(s) and/or child.
- (n) Any administrative review report recommendations.
- (o) When appropriate, the following forms or equivalent forms which have been approved by the Department:
 - (1) Court order to county to detain and/or to place child.
 - (2) Foster Child's Data Record (FCIS).
 - (3) Placement Agreement, Child/Agency.
 - (4) Placement Agreement, Parent/Agency.
 - (5) Agency/Emergency Shelter Care Provider Agreement.
 - (6) Court order to county relating to the provision of child welfare services to the child and/or family.
 - (7) Agency-Foster Parent Agreement.
 - (8) Agency-Group Home Agreement.
- (p) Documentation of the reason(s) for the following, when applicable:
 - (1) The child's transfer to another placement location.
 - (2) The child's out-of-county or out-of-state placement.
 - (3) The child's placement in a family home which has been certified pending licensure, including documentation that the requirements specified in Section 31-445 have been met.

- (4) The child's placement in a group home, including the following:
- (A) A statement of the specific needs of the child which cannot be met if the child resides in a less restrictive environment.
 - (B) A description of the types and modalities of treatment program(s) offered and delivered to the child.
- (g) Documentation of any information provided to the placement services provider and/or respite care provider regarding the child's known or suspected dangerous behavior.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16501, Welfare and Institutions Code and 45 CFR 1356.21(d).

31-082 CRITERIA FOR IDENTIFYING CHILD WELFARE SERVICES CASES FOR
PURPOSES OF CASELOAD REPORTING

31-082

- .1 When identifying child welfare services cases for purposes of caseload reporting, the county shall identify cases as receiving emergency response, family maintenance, family reunification, or permanent placement services based on the criteria specified in Sections 31-084 through 31-090.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10852, 10853, and 16512, Welfare and Institutions Code
and 42 CFR 1356.60.

- .1 The county shall report a referral as an emergency response referral when the referral alleges child abuse, neglect, or exploitation as defined in Penal Code Section 11165 et seq.
 - .11 The effective date for reporting an emergency response referral shall be the date the referral is received by the county.
- .2 The county shall report an emergency response referral as an emergency response assessment case when the social worker determines based upon the completed emergency response protocol that an in-person investigation is not required.
 - .21 The effective date for reporting an emergency response assessment case shall be the date that the emergency response protocol is completed in accordance with Section 31-105.21.
- .3 The county shall report an emergency response referral as an emergency response in-person investigation case when the social worker completes the in-person investigation and no further child welfare services are provided.
 - .31 The effective date for reporting an emergency response in-person investigation shall be the date the social worker's supervisor approves case closure.
- .4 The county shall report an emergency response referral as an emergency response services case disposition under any one of the following circumstances:
 - .41 The social worker has completed an in-person investigation and has provided emergency response services beyond the in-person investigation, but services beyond emergency response services are not provided.
 - .411 The effective date for reporting an emergency response services case disposition shall be the date the social worker's supervisor approves case closure.
 - .42 A petition for detention and/or jurisdiction has been filed and subsequently dismissed by the court and the parent(s)/guardian(s) has not consented to a program of supervision of the child.
 - .421 The effective date for reporting an emergency response services case disposition shall be the date of the hearing at which the petition is dismissed.
- .43 Prior to the court dispositional hearing only if all of the following criteria are met:
 - .431 The social worker has filed a petition for detention and/or jurisdiction and completed a case plan recommending family maintenance, family reunification, or permanent placement services.

- .432 The social worker's supervisor has approved the case plan recommending family maintenance, family reunification, or permanent placement services.
- (a) The effective date for reporting an emergency response services case disposition shall be the date the social worker's supervisor signs the completed case plan.
- .44 At the court dispositional hearing for a child who has been declared a dependent of the court under Welfare and Institutions Code Section 300, and the court has ordered that family maintenance, family reunification, or permanent placement services be provided.
- .441 The effective date for reporting an emergency response services case disposition shall be the date of the dispositional hearing at which family maintenance, family reunification, or permanent placement services are ordered.
- .45 The child has the potential to be declared a dependent of the court under Welfare and Institutions Code Section 300; and the family is voluntarily accepting family maintenance or family reunification services; and all of the following criteria have been met:
- .451 The social worker has completed a case plan recommending voluntary family maintenance or voluntary family reunification services.
- .452 The parent(s)/guardian(s) has reviewed and signed the case plan.
- .453 The social worker's supervisor has approved the case plan recommending voluntary family maintenance or voluntary family reunification services.
- (a) The effective date for reporting an emergency response services case disposition shall be the date the social worker's supervisor signs the completed case plan.
- .5 The county shall not report an in-person investigation or an emergency response services case disposition on a referral of a child for whom there is an open case unless one of the following circumstances exist:
- .51 A social worker skilled in emergency response, other than the social worker assigned to the open case, conducts an in-person investigation as a result of the referral.
- .52 The social worker skilled in emergency response files a petition for detention and/or jurisdiction, as a result of the in-person investigation.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 300, 10852, 10853, 16208, and 16512, Welfare and Institutions Code.

- .1 The county shall report a case as receiving family maintenance services under any one of the following circumstances:
 - .11 Prior to the court dispositional hearing only if all of the following criteria are met:
 - .111 The child is receiving emergency response services.
 - .112 The social worker has filed a petition for detention and/or jurisdiction and completed a case plan recommending family maintenance services.
 - .113 The social worker's supervisor has approved the case plan recommending family maintenance services.
 - (a) The effective date for reporting a family maintenance services case shall be the date the social worker's supervisor signs the completed case plan.
 - .12 At the court dispositional hearing or at a status review hearing for a child who has been declared a dependent of the court under Welfare and Institutions Code Section 300, the court has ordered that family maintenance services be provided.
 - .121 The effective date for reporting a family maintenance services case shall be the date of the hearing at which family maintenance services are ordered.
 - .13 The child has the potential to be declared a dependent of the court under Welfare and Institutions Code Section 300; the family is voluntarily accepting family maintenance services; and all of the following criteria have been met:
 - .131 The social worker has completed a case plan recommending voluntary family maintenance services.
 - .132 The parent(s)/guardian(s) has reviewed and signed the case plan.
 - .133 The social worker's supervisor has approved the case plan recommending voluntary family maintenance services.
 - (a) The effective date for reporting a family maintenance services case shall be the date the social worker's supervisor signs the completed case plan.
- .2 The county shall no longer report a case as receiving family maintenance services when the child is a dependent of the court under any one of the following circumstances:
 - .21 The court dismisses the dependency.

- .211 The effective date of closure of the family maintenance services case shall be the date of the hearing at which the dependency is dismissed.
- .22 The court has ordered that family reunification services or permanent placement services be provided.
 - .221 The effective date of closure of the family maintenance services case shall be the date of the hearing at which the services are ordered.
- .23 The court declares the child is emancipated.
 - .231 The effective date of closure of the family maintenance services case shall be the date of the hearing at which the court declared the child emancipated.
- .24 The child reaches age 18.
- .25 The statutory time limit allowed under Welfare and Institutions Code Section 16506 has expired.
 - .251 The statutory time limit shall be calculated from one of the following dates, whichever occurs first:
 - (a) If family maintenance services are initiated and reported prior to the dispositional hearing, the statutory time limit shall be calculated from the date the social worker's supervisor signs the completed case plan recommending family maintenance services.
 - (b) If family maintenance services are ordered at the dispositional hearing or status review hearing, the statutory time limit shall be calculated from the date of the original dispositional hearing or status review hearing at which family maintenance services were ordered.
- .26 The whereabouts of the child and/or family are unknown.
 - .261 The effective date of closure of the family maintenance services case shall be no later than six months from the date the county informs the court that the whereabouts of the child and/or family are unknown.
- .27 The child dies.
 - .271 The effective date of closure of the family maintenance services case shall be no later than 30 days from the date that the social worker is informed of the child's death.
- .3 The county shall no longer report a case as receiving family maintenance services when the child is a nondependent child receiving services voluntarily, or provided to the family of such child, under any one of the following circumstances:

- .31 The case plan objectives are achieved and/or the child is no longer endangered.
 - .311 The effective date of closure of the family maintenance services case shall be the date the social worker's supervisor approves case closure.
- .32 The maximum length of time agreed upon in the case plan or allowed under Welfare and Institutions Code Section 16506, whichever occurs first, expires.
- .33 The child has the potential to be declared a dependent of the court under Welfare and Institutions Code Section 300; the family is voluntarily accepting family reunification services; and all of the following criteria have been met:
 - .331 The social worker has completed a case plan recommending voluntary family reunification services.
 - .332 The parent(s)/guardian(s) has reviewed and signed the case plan.
 - .333 The social worker's supervisor has approved the case plan recommending voluntary family reunification services.
 - (a) The effective date of closure of the family maintenance services case shall be the date the social worker's supervisor signs the case plan.
- .34 The child is receiving family maintenance services voluntarily and the court orders family reunification services.
 - .341 The effective date of closure of the family maintenance services case shall be the date of the court hearing at which family reunification services were ordered.
- .35 The parent(s)/guardian(s) requests termination of family maintenance services.
 - .351 The effective date of closure of the family maintenance services case shall be the date the parent(s)/guardian(s) requests termination of the services.
- .36 The court declares the child is emancipated.
 - .361 The effective date of closure of the family maintenance services case shall be the date of the hearing at which the court declares the child is emancipated.
- .37 The child reaches age 18.
- .38 The whereabouts of the child and/or family are unknown.

.381 The effective date of closure of the family maintenance services case shall be the earlier of the following dates:

(a) Thirty (30) days from the date the social worker is first informed that the whereabouts of the child and/or family are unknown; or

(b) Sixty (60) days from the date the social worker made the last visit with the child and/or family.

.39 The child dies.

.391 The effective date of closure of the family maintenance services case shall be no later than 30 days from the date that the social worker is informed of the child's death.

Authority Cited: . Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 300, 10852, 10853, 16506, and 16512, Welfare and Institutions Code.

Amend Section 31-088.2 to read:

31-088 IDENTIFICATION OF CASES RECEIVING FAMILY REUNIFICATION SERVICES 31-088

- .1 The county shall report a case as receiving family reunification services under any one of the following circumstances:
 - .11 Prior to the court dispositional hearing only if all of the following criteria are met:
 - .111 The child is receiving emergency response or voluntary family maintenance services.
 - .112 The social worker has filed a petition for detention and/or jurisdiction and completed a case plan recommending family reunification services.
 - .113 The social worker's supervisor has approved the case plan recommending family reunification services.
 - (a) The effective date for reporting a family reunification services case shall be the date the social worker's supervisor signs the completed case plan.
 - .12 At the court dispositional hearing or at a status review hearing for a child who has been declared a dependent of the court under Welfare and Institutions Code Section 300, and the court has ordered that family reunification services be provided.
 - .121 The effective date for reporting a family reunification services case shall be the date of the hearing at which family reunification services are ordered.
 - .13 The child has the potential to be declared a dependent of the court under Welfare and Institutions Code Section 300; the family is voluntarily accepting family reunification services; and all of the following criteria have been met:
 - .131 The social worker has completed a case plan recommending voluntary family reunification services.
 - .132 The parent(s)/guardian(s) has reviewed and signed the case plan.
 - .133 The social worker's supervisor has approved the case plan recommending voluntary family reunification services.
 - (a) The effective date for reporting a family reunification services case shall be the date the social worker's supervisor signs the completed case plan.

.2 The county shall no longer report a case as receiving family reunification services when the child is a dependent of the court under any one of the following circumstances:

.21 The court dismisses the dependency.

.211 The effective date of closure of the family reunification services case shall be the date of the hearing at which the dependency is dismissed.

.22 The court has ordered that family maintenance or permanent placement services be provided.

.221 The effective date of closure of the family reunification services case shall be the date of the hearing at which the services are ordered.

.23 The court has ordered the termination of family reunification services pending a hearing pursuant to Welfare and Institutions Code Section 366.26.

.231 The effective date of closure of the family reunification services case shall be the date of the hearing at which the court terminates family reunification services.

~~.234~~ The court declares the child is emancipated.

~~.2341~~ The effective date of closure of the family reunification services case shall be the date of the hearing at which the court declared the child emancipated.

~~.245~~ The child reaches age 18 or no longer meets the eligibility criteria to receive foster care payments, whichever occurs last.

~~.256~~ The statutory time limit of 18 months, for purposes of claiming state funds for child welfare services, allowed under Welfare and Institutions Code Section 16507 has expired.

~~.2561~~ The statutory time limit shall be calculated from one of the following dates, whichever occurs first:

(a) If family reunification services are initiated and reported prior to the dispositional hearing, the statutory time limit shall be calculated from the date the social worker's supervisor signs the completed case plan.

(b) If family reunification services are ordered at the dispositional hearing or status review hearing, the statutory time limit shall be calculated from the date of the original dispositional hearing, or status review hearing at which family reunification services were ordered.

~~.267~~ The whereabouts of the child and/or family are unknown.

- .2671 The effective date of closure of the family reunification services case shall be no later than six months from the date the county informs the court that the whereabouts of the child and/or family are unknown.
- .278 The child dies.
- .2781 The effective date of closure of the family reunification services case shall be no later than 30 days from the date that the social worker is informed of the child's death.
- .3 The county shall no longer report a case as receiving family reunification services when a nondependent child is receiving services voluntarily, or when services are provided to the family of such child, under any one of the following circumstances:
- .31 The case plan objectives are achieved and/or the child is no longer endangered.
- .311 The effective date of closure of the family reunification services case shall be the date the social worker's supervisor approves case closure.
- .32 The maximum length of time agreed upon in the case plan or allowed under Welfare and Institutions Code Section 16507, whichever occurs first, expires.
- .33 The family withdraws the child from voluntary placement.
- .331 The effective date of closure of the family reunification services case shall be the date the parent(s)/guardian(s) requests termination of family reunification services.
- .34 The child has the potential to be declared a dependent of the court under Welfare and Institutions Code Section 300; the family is voluntarily accepting family maintenance services; and all of the following criteria have been met:
- .341 The social worker has completed a case plan recommending voluntary family maintenance services.
- .342 The parent(s)/guardian(s) has reviewed and signed the case plan.
- .343 The social worker's supervisor has approved the case plan recommending voluntary family maintenance services.
- (a) The effective date of closure of the family reunification services case shall be the date the social worker's supervisor signs the case plan.
- .35 The court declares the child is emancipated.

- .351 The effective date of closure of the family reunification services case shall be the date of the hearing at which the court declares the child is emancipated.
- .36 The child reaches age 18 or no longer meets the eligibility criteria to receive foster care payments, whichever occurs last.
- .37 The whereabouts of the child and/or family are unknown.
- .371 The effective date of closure of the family reunification services case shall be the earlier of the following dates:
- (a) Thirty (30) days from the date the social worker is first informed that the whereabouts of the child and/or family are unknown; or
 - (b) Sixty (60) days from the date the social worker made the last visit with the child and/or family.
- .38 The child dies.
- .381 The effective date of closure of the family reunification services case shall be no later than 30 days from the date that the social worker is informed of the child's death.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 300, 10852, 10853, 16507, and 16512, Welfare and Institutions Code.

- .1 The county shall report a case as receiving permanent placement services under any one of the following circumstances:
- .11 Prior to the court dispositional hearing only if all of the following criteria are met:
- .111 The child is receiving emergency response services.
- .112 The social worker has filed a petition for detention and/or jurisdiction and completed a case plan recommending permanent placement services.
- .113 The social worker's supervisor has approved the case plan recommending permanent placement services.
- (a) The effective date for reporting a permanent placement services case shall be the date the social worker's supervisor signs the case plan.
- .12 At the court hearing for a child who has been declared a dependent of the court under Welfare and Institutions Code Section 300 and the court has ordered permanent placement services be provided, or the court has ordered the termination of family reunification services pending a hearing pursuant to Welfare and Institutions Code Section 366.26.
- .121 The effective date for reporting a permanent placement services case shall be the date of the hearing at which permanent placement services are ordered, or family reunification services are terminated and a dependency is not dismissed.
- .13 The statutory time limit of 18 months, for purposes of claiming state funds for child welfare services, allowed under Welfare and Institutions Code Section 16507 has expired.
- .131 The statutory time limit shall be calculated from one of the following dates, whichever occurs first:
- (a) If family reunification services are initiated and reported prior to the dispositional hearing, the statutory time limit shall be calculated from the date the social worker's supervisor signs the completed case plan.
- (b) If family reunification services are ordered at the dispositional hearing or status review hearing, the statutory time limit shall be calculated from the date of the original dispositional hearing, or status review hearing at which family reunification services were ordered.

.14 The case is a guardianship case requiring an open case plan in order for the nonrelated legal guardians of minors to maintain eligibility for AFDC-FC payments pursuant to Welfare and Institutions Code Section 11405.

.141 The effective date for reporting a permanent placement services case shall be the date the legal guardian is eligible to receive AFDC-FC payments.

.2 The county shall no longer report a case as receiving permanent placement services under any one of the following circumstances:

.21 The court has ordered that family maintenance or family reunification services be provided.

.211 The effective date of closure of the permanent placement services case shall be the date of the hearing at which family maintenance or family reunification services are ordered.

.22 The court dismisses the dependency.

.221 The effective date of closure of the permanent placement services case shall be the date of the hearing at which the dependency is dismissed.

.23 A guardian is appointed for the child and AFDC-FC is discontinued.

.231 The effective date of closure of the permanent placement services case shall be the date AFDC-FC is discontinued.

.24 The court declares the child is emancipated.

.241 The effective date of closure of the permanent placement services cases shall be the date of the hearing at which the court declared the child emancipated.

.25 The child reaches age 18 or no longer meets the eligibility criteria to receive foster care payments, whichever occurs last.

.26 The whereabouts of the child are unknown.

.261 The effective date of closure of the permanent placement services case shall be no later than six months from the date the county informs the court that the whereabouts of the child are unknown.

.27 The child dies.

.271 The effective date of closure of the permanent placement services case shall be no later than 30 days from the date that the social worker is informed of the child's death.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 300, 366.25, 366.26, 10852, 10853, 16507, 16508, and 16512, Welfare and Institutions Code.

Amend Section 31-101.5 to read:

CHAPTER 31-100 INTAKE

31-101 GENERAL

31-101

- .1 The county shall respond to all referrals for service which allege that a child is endangered by abuse, neglect, or exploitation.
- .2 The social worker responding to a referral shall be skilled in emergency response.
- .3 The social worker shall respond to a referral by one of the following methods:
 - .31 Completing an Emergency Response Protocol, as described in Section 31-105.
 - .32 Conducting an in-person immediate investigation, as described in Section 31-115.
 - .33 Conducting an in-person investigation initiated within 10 calendar days from the date the referral was received, as described in Section 31-120.
- .4 The social worker shall conduct an in-person investigation of all referrals received from a law enforcement agency which allege abuse, neglect, or exploitation.
 - .41 No response is required to a cross-report from a law enforcement agency if the law enforcement agency has investigated and determined that there is no indication of abuse or neglect by a member of the child's household.
- .5 Within 30 calendar days of the initial removal of the child or the in-person investigation, or by the date of the ~~jurisdictional~~ dispositional hearing, whichever comes first, the social worker shall:
 - .51 Determine whether child welfare services are necessary and:
 - .511 If child welfare services are necessary, complete a case plan and begin implementation of the case plan in accordance with the time frames and schedules specified in Chapter 31-200.
 - .512 If child welfare services are unnecessary, close the referral/case, as appropriate.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16208, 16501(f), 16501.1, and 16504, Welfare and Institutions Code.

Amend Section 31-105.115(d) to read:

31-105 EMERGENCY RESPONSE PROTOCOL

31-105

- .1 The social worker shall immediately initiate and complete the Emergency Response Protocol process when it is necessary to determine whether an in-person investigation is required. The social worker shall record all available and appropriate information on the Emergency Response Protocol form, SOC 423 (10/92), or an approved substitute. The social worker is not required to initiate the Emergency Response Protocol when the social worker has already determined an in-person investigation is required (i.e., law enforcement referrals, obvious immediate danger referrals).
- .11 In order to be approved as a substitute for the Emergency Response Protocol form, the substitute shall at a minimum contain all of the following elements:
 - .111 The following identifying information:
 - (a) Information regarding the child alleged to be abused, neglected, or exploited, which shall include:
 - (1) Information specified in Section 31-105.111(f),
 - (2) Case name, and
 - (3) Case number.
 - (b) Information regarding the referral, which shall include:
 - (1) Time and date referral received, and
 - (2) Location of alleged incident.
 - (c) Information regarding the reporter, which shall include:
 - (1) Name,
 - (2) Relationship to child,
 - (3) Agency affiliation, if a mandated reporter,
 - (4) Address, and
 - (5) Phone number (home/work).
 - (d) Information regarding each adult in the household, which shall include:
 - (1) Name,
 - (2) Relationship to child,
 - (3) Birthdate,

- (4) Ethnicity,
 - (5) Primary language, if non-English speaking,
 - (6) Current location, and
 - (7) Phone number(s).
 - (e) Information regarding the alleged perpetrator, which shall include:
 - (1) Elements specified in Sections 31-105.111(d)(1) through (7), and
 - (2) Access to the child.
 - (f) Information regarding each minor child in the family, which shall include:
 - (1) Name,
 - (2) Birthdate,
 - (3) Sex,
 - (4) Ethnicity,
 - (5) Primary language, if non-English speaking,
 - (6) Current location,
 - (7) Name and address of school/daycare, if applicable, and
 - (8) Name, current location and phone number of each absent parent.
- .112 A description of the alleged incident, including consideration of the following risk factors:
- (a) Precipitating incident including the following:
 - (1) Severity and frequency;
 - (2) Location and description of injury on child's body; and
 - (3) History of child abuse, neglect, or exploitation.
 - (b) Child characteristics including the following:
 - (1) Age, vulnerability, special circumstances; and

- (2) Behavior, interaction with caretakers, siblings, and peers.
- (c) Caretaker characteristics including the following:
 - (1) Ability to care for child;
 - (2) Interaction with children, other caretakers;
 - (3) Parenting skill/knowledge; and
 - (4) Substance abuse, criminal behavior, and mental health.
- (d) Family factors including the following:
 - (1) Relationships, support systems;
 - (2) History of abuse, neglect, or exploitation;
 - (3) Presence of parent substitute;
 - (4) Environmental conditions; and
 - (5) Family strengths.
- .113 Information regarding a records review.
- .114 Information regarding the collateral contacts, including the following:
 - (a) Date of contact,
 - (b) Name and phone number of each person contacted,
 - (c) Agency affiliation or person's relationship to the child, and
 - (d) Summary of information obtained.
- .115 Decision criteria. The decision whether or not an in-person investigation is necessary shall include, but not be limited to, consideration of the following factors:
 - (a) The ability to locate the child alleged to be abused and/or the family.
 - (b) The existence of an open case and the problem described in the allegation is being adequately addressed.
 - (c) The allegation meets one or more of the definitions of child abuse, exploitation or neglect contained in Sections 31-002(c)(7), 31-002(e)(9), or 31-002(n)(1).

- (d) The alleged perpetrator is a caretaker of the child or the caretaker was negligent in allowing, or unable or unwilling to prevent, the alleged perpetrator access to the child.
- (e) The allegation includes specific acts and/or behavioral indicators which are suggestive of abuse, neglect, or exploitation.
- (f) There is additional information from collateral contacts or records review which invalidates the reported allegation.
- (g) There are previously investigated unsubstantiated or unfounded reports from the same reporter with no new allegations or risk factors.

.116 The decision whether an in-person investigation is required, including the following outcome options.

- (a) Evaluate out, with no referral to another community agency;
- (b) Evaluate out, with a referral to an appropriate community agency; or
- (c) Accept for in-person investigation.

.117 When the decision is to evaluate out, either with or without a referral to another community agency, the following information:

- (a) Rationale for the decision; and
- (b) Supervisor approval.

.2 The social worker shall complete the Emergency Response Protocol process by determining if an in-person investigation is required.

.21 The Emergency Response Protocol form, or approved substitute, is complete when the social worker has recorded enough information as specified in Section 31-105.1 to document the decision as to whether or not to make an in-person investigation and shall include:

.211 The specific decision outcome,

.212 The rationale for evaluating out the referral, and

.213 The supervisor approval.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16208 and 16504, Welfare and Institutions Code.

- .1 If the social worker determines from the emergency response protocol that an in-person investigation is not necessary, the social worker shall document the determination.
- .2 If the social worker determines that an in-person investigation is not necessary, but that the services of another community agency are appropriate, the social worker shall refer the reporter to that agency.
 - .21 When a referral alleges non-familial child abuse, the social worker shall report the referral to the appropriate law enforcement agency as specified in Section 31-501.1.
- .3 If the social worker determines that an in-person investigation is necessary, the social worker shall make the in-person investigation immediately or within 10 calendar days, as appropriate.
- .4 The social worker shall conduct an in-person investigation for all law enforcement referrals either immediately or within 10 calendar days after receipt of a referral, as appropriate.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16208, 16501(f), and 16504, Welfare and Institutions Code.

- .1 The social worker shall conduct an in-person immediate investigation when:
- .11 The emergency response protocol indicates the existence of a situation in which imminent danger to a child, such as physical pain, injury, disability, severe emotional harm or death, is likely.
 - .12 The law enforcement agency making the referral states that the child is at immediate risk of abuse, neglect or exploitation.
 - .13 The social worker determines that the child referred by a law enforcement agency is at immediate risk of abuse, neglect, or exploitation.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16208, 16501(f), and 16504, Welfare and Institutions Code.

- .1 The social worker shall conduct an in-person investigation of the allegation of abuse, neglect, or exploitation within 10 calendar days after receipt of a referral when:
 - .11 The emergency response protocol indicates that an in-person investigation is appropriate and the social worker has determined that an in-person immediate investigation is not appropriate.
 - .12 The law enforcement agency making the referral does not state that the child is at immediate risk of abuse, neglect, or exploitation and the social worker determines that an in-person immediate investigation is not appropriate.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16208, 16501(f), and 16504, Welfare and Institutions Code.

Amend Section 31-125.221(b) to read:

31-125 INVESTIGATION REQUIREMENTS

31-125

- .1 The social worker initially investigating a referral shall determine the potential for or the existence of any conditions(s) which places the child, or any other child in the family or household, at risk and in need of services and which would cause the child to be a person described by Welfare and Institutions Code Sections 300(a) through (j).
- .11 The social worker shall not determine the child to be at risk and in need of services, or to be a person described by Welfare and Institutions Code Section 300(a) through (j) based solely on the existence of any of the following conditions described in Welfare and Institutions Code Sections 300(a) through (c):
 - .111 "...reasonable and age-appropriate spanking to the buttocks where there is no evidence of serious physical injury,"
 - .112 "...lack of an emergency shelter for the family," or
 - .113 "...the willful failure of the parent or guardian to provide adequate mental health treatment...based on a sincerely held religious belief."
- .12 The social worker shall not determine the child to be in need of child welfare services based solely on the existence of the conditions specified in Welfare and Institutions Code Sections 16509, 16509.1 and 16509.2.

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- .121 Welfare and Institutions Code Section 16509 states:

Cultural and religious child-rearing practices and beliefs which differ from general community standards shall not in themselves create a need for child welfare services unless the practices present a specific danger to the physical or emotional safety of the child.

- .122 Welfare and Institutions Code Section 16509.1 states:

No child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered to have been neglected within the purview of this chapter.

.123 Welfare and Institutions Code Section 16509.2 states:

The physical or mental incapacity, or both, in itself, of a parent or a child, shall not result in a presumption of need for child welfare services.

HANDBOOK ENDS HERE

- .2 The social worker investigating the referral shall have in-person contact with all of the children alleged to be abused, neglected or exploited, and at least one adult who has information regarding the allegations.
 - .21 If as a result of the investigation the social worker determines that the referral is unfounded pursuant to Penal Code Section 11165.12, the social worker shall document the determination in the case record.
 - .22 If as a result of the investigation the social worker does not find the referral to be unfounded, the social worker shall:
 - .221 Conduct an in-person investigation with:
 - (a) All children present at the time of the initial in-person investigation.
 - (b) All parents who have access to the child(ren) alleged to be at risk of abuse, neglect or exploitation.
 - (1) A noncustodial parent shall be considered to have access if he/she has regular or frequent in-person contact with the child(ren).
 - .222 Make necessary collateral contacts with persons having knowledge of the condition of the children.
 - .23 If as a result of the investigation the social worker has determined the referral is not unfounded, and has completed the requirements in Section 31-125.22 and documented the results in the case record, the decision whether to conduct an in-person investigation with any additional children who were not present at the initial in-person investigation shall be at the discretion of the county.
- .3 If as a result of the investigation it is determined that neither child welfare services nor a referral to any other community agency is necessary, the social worker shall document this determination.
- .4 If as a result of the investigation it is determined that child welfare services are unnecessary, but that the services of another community agency are appropriate, the social worker shall refer the child and/or family to such agency and shall document the determination and referral(s).
- .5 If as a result of the investigation the social worker determines services are necessary, the social worker shall:

.51 Perform the requirements specified in Chapter 31-200.

.511 If a dependency petition is to be filed and it is determined that the child is or may be an Indian child, the social worker shall follow the procedures in Section 31-515.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 300, 16504, 16509, and 16509.1, Welfare and Institutions Code; Section 11165.12, Penal Code; and 25 USCA Section 1901 et seq.

- .1 The social worker shall request law enforcement assistance under either of the following circumstances:
 - .11 The physical safety of family members or county staff is endangered.
 - .12 A child must be placed in temporary custody and the social worker is not deputized as a peace officer or authorized by Welfare and Institutions Code Section 306(b) to take temporary custody.
 - .121 The social worker may take a child into temporary custody without the assistance of law enforcement whenever authorized to do so under Welfare and Institutions Code Section 306.
- .2 Law enforcement assistance shall be used as an aid to emergency response services and not as a substitute for any of the following:
 - .21 Completion of the emergency response protocol as specified in Section 31-105.
 - .22 Performance of the in-person investigation specified in Section 31-110.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 306, 10553, and 10554, Welfare and Institutions Code.

- .1 When the social worker determines that the child cannot be safely maintained in his/her own home, the social worker shall ensure that authority to remove the child exists prior to removal.
 - .11 If removal is voluntary, such authority shall be a written consent of the parent/guardian.
 - .12 If removal is involuntary, such authority shall be temporary custody as specified in Welfare and Institutions Code Sections 305 and 306, or a court order.
 - .121 If a determination has been made in accordance with Welfare and Institutions Code Section 308 that the minor would be endangered or his/her custody would be disturbed by the disclosure to the parent(s)/guardian(s) of the minor's exact whereabouts, the social worker shall notify immediately the parent(s)/guardian(s) either in person or by telephone of his/her right to apply for judicial review of that determination within 24 hours.
 - (a) If the social worker fails to notify the parent(s)/guardian(s) as specified in Section 31-135.121, the social worker shall document in the case record the reason(s) for failure to do so.
- .2 The social worker shall document in the case record any preplacement preventive efforts made or services provided.
 - .21 If first contact with the family occurs during an emergency situation in which the child cannot safely remain in the home, even with reasonable services being provided, the social worker shall document those circumstances in the case record.
 - .22 If the child has been removed due to the absence of the parent(s), for one of the reasons stated in Welfare and Institutions Code Section 361(b)(5), the social worker shall document those circumstances in the case record.
- .3 If the child is in out-of-home placement following a voluntary removal, and the social worker determines that continued out-of-home placement is necessary for the child's protection, the county shall implement a voluntary placement agreement as specified in Section 31-430.31.
- .4 If the child is in temporary custody following an involuntary removal, and the social worker determines that continued detention is necessary for the child's protection, the social worker shall take the following action:
 - .41 File a petition for detention of and jurisdiction over the child within 48 hours of the child's removal from his/her home, excluding nonjudicial days.

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- .411 Juvenile court procedures regarding detention of minors and filing petitions are described in Welfare and Institutions Code Sections 311(a), 319, and 332.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 305, 306, and 308, Welfare and Institutions Code.

Amend Chapter 31-200 Title, Section 31-201 Title, and Sections 31-201.11 and .121(c) (1) (F) to read:

CHAPTER 31-200 ASSESSMENT AND CASE PLAN

31-201 ASSESSMENT AND CASE PLANNING PROCESS

31-201

.1 When it has been determined that child welfare services are to be provided the social worker shall:

.11 Complete an assessment ~~process~~.

.111 An assessment ~~process~~ is completed for each child for whom child welfare services are to be provided, and includes gathering and evaluating information relevant to the case situation and appraising case services needs.

.12 Determine the case plan goal.

.121 When determining the case plan goal, the social worker shall consider the following order of priority for services:

(a) Family maintenance services - In order to maintain the child in his/her own home, when the protective needs of the child can be met.

(b) Family reunification services - If the family potentially can be successfully reunified within the time limits specified in Welfare and Institutions Code Sections 16507 and 16507.3

(c) Permanent placement services - Only when there are no feasible means of maintaining or reuniting the child with his/her parent(s)/guardian(s).

(1) When the child has been detained and one or more of the following circumstances exist, the social worker may recommend permanent placement services.

(A) The whereabouts of the parent(s)/guardian(s) is unknown.

(B) The parent(s)/guardian(s) is suffering from a mental disability that renders him/her incapable of utilizing family reunification services.

(C) The child had been previously adjudicated a dependent as a result of physical or sexual abuse; had been removed from the custody of the parent(s)/guardian(s); had been returned to the custody of the parent(s)/guardian(s); and has again been removed due to additional physical or sexual abuse.

(Welfare and Institutions
Code Section 361.5(b)(6))

(D) The parent(s)/guardian(s) of the child has been convicted of causing the death of another child through abuse or neglect.

(E) The child is under the age of five and has come under court jurisdiction due to severe physical abuse as specified in Welfare and Institutions Code Section 300(e).

(F) The child has come under court jurisdiction due to severe sexual abuse or severe physical abuse.

(G) The parent(s)/guardian(s) is incarcerated or institutionalized and the social worker has determined, based on the criteria specified in Welfare and Institutions Code Section 361.5(e)(1) that permanent placement services are appropriate.

(2) When recommending a permanent placement plan, the social worker shall adhere to the following order of priority for permanent placement:

(A) Adoption - Prior to the hearing conducted pursuant to Welfare and Institutions Code Sections 366.25 or 366.26, the case review conducted jointly by foster care and adoption staff to determine potential for adoption shall have been completed.

1. When a case is referred for adoption planning, it shall remain under county supervision or purposes of providing child welfare services until dismissal of the dependency and issuance of a final decree of adoption.

(B) Guardianship - If adoption is not possible, the case shall be reviewed for guardianship.

(C) Long term foster care - If adoption or guardianship is not possible, a recommendation for long-term foster care placement shall be made.

.13 Develop the case plan which shall identify the following factors and document the plan as specified in Section 31-205:

.131 Objectives to be achieved.

.132 Specific services to be provided.

.133 Case management activities to be performed.

- (a) Parent(s)/guardian(s) shall be requested to participate in the development of the case plan.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 361.5, 366.23, 16501, 16501.1(f), 16506, 16507, and 16508, Welfare and Institutions Code.

Amend Section 31-205 to read:

31-205 ~~CASE PLAN~~ ASSESSMENT DOCUMENTATION

31-205

- .1 The social worker shall document ~~in the case plan~~ the following assessment information:
 - .11 The relevant social, cultural, and physical factors relating to the following:
 - .111 The child.
 - .112 The child's parent(s)/guardian(s) or person(s) serving in that role.
 - .113 Other significant persons, including children and siblings, who are known to reside in the home.
 - .12 The apparent problems, and possible causes of those problems, which require intervention.
 - .13 The family strengths which could aid in problem resolution.
 - .14 Whether the child may safely remain at home if preplacement preventive services are provided, and, if so, the specific services to be provided.
 - .15 If the child is a parent, any special needs of the child with regard to his/her role as a parent.
 - .16 If the child has been removed based on ~~a finding of severe physical abuse~~ one of the findings pursuant to Welfare and Institutions Code Section 361.5(b)(3), the circumstances ~~surrounding the severe physical abuse of the child~~ relating to the finding and whether failure to order family reunification services would likely be detrimental to the child.
 - .17 Any known social services previously offered and/or delivered to the child or family and the result of those services.
 - .18 The need, if known, for any health/medical care.
- .2 The county shall be permitted to combine the assessment with the case plan as one document provided that:
 - .21 The assessment and the case plan are each readily identifiable as such; and
 - .22 The combined document contains all of the necessary components of both the assessment and the case plan.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 361, 361.5, 16501, 16501.1(e), and 16507, Welfare and Institutions Code and 42 USC Sections 675(1) and 677.

Adopt new Section 31-206 and renumber Sections 31-205.2 through .5 to new Sections 31-206.1 through .4, respectively, and amend Sections 31-206.4 and .42 to read:

31-206 CASE PLAN DOCUMENTATION

31-206

~~31-205~~

- ~~.71~~ The social worker shall document in the case plan the case plan goal which the social worker has determined as specified in Section 31-201.12 to be appropriate for each child.
- ~~.72~~ The social worker shall document in the case plan the following information regarding case plan objectives for each person named in the case plan:

 - ~~.721~~ Measurable, time-limited objectives based on the problems and family strengths identified in the assessment.

 - ~~.7211~~ The social worker shall include specific descriptions of the responsibilities of the parent(s)/guardian(s) in meeting the case plan objectives.
 - ~~.722~~ The specific services to be provided and the case management activities to be performed in order to meet the case plan objectives and goal.

 - ~~.7221~~ The social worker shall include specific descriptions of the responsibilities of the social worker, other county staff, other individuals, and community agencies in the provision of services and the performance of case management activities.
 - ~~.723~~ The projected date for completion of case plan objectives and the date child welfare services are to be terminated.
 - ~~.724~~ The schedule of planned social worker contacts and visits with the child and the family in accordance with Sections 31-320 and 31-325.

 - ~~.7241~~ The social worker shall document in the case record the justification for any exceptions to the contact or visit requirements specified in Sections 31-320 and 31-325.
 - ~~.7242~~ The social worker shall document in the case plan the justification for exceptions to visit or contact requirements that are approved by the court or county deputy director pursuant to Sections 31-320.6 and 31-325.4.
- ~~.43~~ For children receiving out-of-home care, the social worker shall also document in the case plan, the following:

 - ~~.431~~ An assessment of the child's placement needs and a determination and description of the type of home or institution which will best meet those needs.

- .4311 For children placed out-of-county, the rationale for out-of-county placement, and a description of the specific responsibilities of the sending and receiving counties, in accordance with the provisions of Section 31-505.
- .4312 For children placed out-of-state, the rationale for out-of-state placement, and a description of the specific responsibilities of the sending and receiving agencies, in accordance with the provisions of Section 31-510.
- .432 The schedule of planned parent(s)/guardian(s) contacts and visits with the child, in accordance with Section 31-340.
- .433 The schedule of planned visitation of the child by his/her grandparents as specified in Welfare and Institutions Code Section 16507(a).
- .434 The schedule of planned social worker contacts and visits with the child's out-of-home care provider, in accordance with Section 31-330.
- .435 The health and education information about the child.
- .4351 This information shall include the following, as available.
- (a) The names and addresses of the child's health and educational providers.
 - (b) The child's grade level performance.
 - (c) The child's school record.
 - (d) Assurances that the child's placement in foster care takes into account proximity to the school in which the child is enrolled at the time of placement.
 - (e) A record of the child's immunizations.
 - (f) The child's known medical problems.
 - (g) The child's medications.
- .4352 If any of the required health and education information is not contained in the case plan, the case plan shall document where the information is located.
- .436 A plan which will ensure that the child will receive medical and dental care which places attention on preventive health service through the Child Health and Disability Prevention (CHDP) program, or equivalent preventive health services in accordance with the CHDP program's schedule for periodic health assessment.
- .4361 Each child in placement shall receive a medical and dental examination, preferably prior to, but not later than, 30 calendar days after placement.

- .4362 Arrangements shall be made for necessary treatment.
- .437 For each child in placement age 16 or older, the case plan shall incorporate the transitional independent living plan information as specified in Section 31-525.1.
- .438 For each child for whom a dependency petition has been filed, the recommendation that the right of the parent(s)/guardian(s) to make education decisions be limited by the court pursuant to Welfare and Institutions Code Section 361(a), if applicable.
- .§4 The case plan shall be considered complete only if all of the elements specified in Section 31-20§6 have been documented and the social worker's supervisor has signed and dated the case plan.
- .§41 The social worker may complete a single case plan for the family, provided that the planned services are individually identified for each person named in the case plan.
- .§42 If any of the elements specified in Section 31-20§6 are not immediately available, the social worker shall document in the case plan the following information:
- .§421 The social worker's attempts to obtain the information.
- .§422 The social worker's plan for obtaining the information including the time frame in which the information is expected to be obtained.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 361, 361.5, 16501, 16501.1(e), and 16507, Welfare and Institutions Code and 42 USC Sections 675(1) and 677.

Amend Section 31-210 to read:

31-210 CASE PLAN TIME FRAMES AND ADMINISTRATIVE REQUIREMENTS FOR
CHILDREN FOR WHOM A DEPENDENCY PETITION HAS BEEN FILED

31-210

- .1 Within 30 calendar days of the in-person investigation (i.e., first face-to-face contact) or initial removal, or by the date of the ~~jurisdictional~~ dispositional hearing, whichever comes first, the social worker shall:
 - .11 Complete and sign the case plan as specified in Section 31-20~~5~~6.
 - .12 Explain the purpose and the content of the case plan to the parent(s)/guardian(s) named in the case plan.
 - .13 Request the parent(s)/guardian(s) to sign the case plan as an indication of case plan approval and willingness to participate in service activities.
 - ~~131~~ .131 If unable to obtain the signature of the parent(s)/guardian(s) as specified in Section 31-210.13, the county shall nevertheless provide services, but shall document in the case plan the reason(s) for the failure to obtain the signature of the parent(s)/guardian(s).
 - .14 Provide a copy of the completed case plan to the parent(s)/guardian(s).
 - .15 Obtain the signed and dated written approval of the social worker's supervisor on the case plan or the court report.
 - .151 The social worker's supervisor must sign the case plan or the court report in which the case plan is included prior to submission to the court or within 30 days of the initial removal or initial response, whichever occurs first.
 - (a) In so signing, the signature of the social worker's supervisor shall be deemed to have certified that the case plan was reviewed by the supervisor and the case plan goal and the planned services for meeting that goal are appropriate.
 - .16 Begin implementation of the case plan in accordance with the time frames and schedules specified in the case plan.
- ~~17 No later than the date of the dispositional hearing, the social worker shall~~
- .17 The case plan shall be included in the court report and submitted to the court at least 48 hours prior to the dispositional hearing specified in Welfare and Institutions Code Section 358.

- .721 If the dispositional hearing specified in Welfare and Institutions Code Section 358 is not convened within six months of the date the case plan was completed, the case plan update must be included in the court report and submitted to the court at least 48 hours prior to the dispositional hearing.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 358(b), 361, 16501(a), and 16501.1(d) and (e), Welfare and Institutions Code.

31-215 CASE PLAN TIME FRAMES AND ADMINISTRATIVE REQUIREMENTS FOR
CHILDREN AND FAMILIES WHO WILL VOLUNTARILY RECEIVE SERVICES

31-215

- .1 Within 30 calendar days of the in-person investigation (i.e., first face-to-face contact), the social worker shall:
 - .11 Complete and sign the case plan as specified in Section 31-205.
 - .12 Explain the purpose and content of the case plan to the parent(s)/guardian(s) named in the case plan.
 - .13 Request the parent(s)/guardian(s) named in the case plan to sign the case plan.
 - .131 If the parent(s)/guardian(s) refuses to sign the case plan for voluntary services, voluntary services shall not be provided.
 - .14 For children who will voluntarily receive out-of-home care, request the parent(s)/guardian(s) named in the case plan to sign the placement agreement parent/agency.
 - .141 If the parent(s)/guardian(s) named in the case plan refuses to sign the placement agreement parent/agency, voluntary out-of-home services shall not be provided.
 - .15 Obtain the signed and dated written approval of the social worker's supervisor on the case plan.
 - .151 In so signing, the signature of the social worker's supervisor shall be deemed to have certified that the case plan was reviewed by the supervisor and the case plan goal and the planned services for meeting that goal are appropriate.
 - .16 Provide a copy of the completed case plan to the parent(s)/guardian(s).

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16501.1(f)(7) and 16507, Welfare and Institutions Code.

- .1 The case plan shall be updated as service needs of the child and family dictate and to assure achievement of service objectives.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16501.1(d), Welfare and Institutions Code.

- .1 Each case plan update shall document the following information:
 - .11 Any changes in the information contained in the case plan.
 - .12 Specific information about on the current condition of the child and family.
 - .13 If the parent(s)/guardian(s) is part of the case plan, a description of the degree of compliance by the parent(s)/guardian(s) with the written case plan, including the following:
 - .131 Progress in working toward achievement of each case plan objective.
 - .132 Cooperation in keeping appointments.
 - .133 For children in out-of-home placement, visiting patterns of the parent(s)/guardian(s) with the child, including, but not limited to, the following:
 - (a) Frequency of visits.
 - (b) Initiation by parent(s)/guardian(s).
 - (c) Cooperation in keeping appointments.
 - (d) Interaction with child and/or foster parent(s).
 - .14 The case plan adequacy and continued appropriateness.
 - .141 The need, if any, for an alternative case plan.
 - .15 The joint assessment conducted pursuant to Welfare and Institutions Code Sections 361.5(g), 366.21(i), or 366.22(b), when that assessment has been ordered by the court.
- .2 The case plan update shall be considered complete only if all of the elements specified in Section 31-225 have been documented and the social worker's supervisor has signed and dated the case plan update.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16501.1(d), Welfare and Institutions Code and 42 USC Section 675(1).

.1 The social worker shall:

- .11 Complete a case plan update as often as the service needs of the child and family dictate and as is necessary in order to assure achievement of service objectives. At a minimum, the social worker shall complete a case plan update in conjunction with each status review hearing, but no less often than once every six months.

HANDBOOK BEGINS HERE

- .111 Status review hearings are conducted pursuant to Sections 366.21, 366.22, 366.25, or 366.26 of the Welfare and Institutions Code.

The dispositional hearing held pursuant to Welfare and Institutions Code Section 358 may be considered the initial status review hearing if it is held within the first six months of a child's original placement date as defined in Welfare and Institutions Code Section 11400(p) and makes all of the findings required by Welfare and Institutions Code Section 366(a).

- .112 Welfare and Institutions Code Section 11400(p) specifies as follows:

"Original placement date" means the most recent date on which the court detained a child and ordered an agency to be responsible for supervising the child or the date on which an agency assumed responsibility for a child due to termination of parental rights, relinquishment, or voluntary placement.

- .113 Welfare and Institutions Code Section 366(a) specifies as follows:

The status of every dependent child in foster care shall be reviewed periodically as determined by the court but no less frequently than once every six months, as calculated from the date of the original dispositional hearing, until the hearing described in Section 366.25 or 366.26 is completed. The court shall determine the continuing necessity for and appropriateness of the placement, the extent of compliance with the case plan, and the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care, and shall project a likely date by which the child may be returned to the home or placed for adoption or legal guardianship.

HANDBOOK ENDS HERE

- .12 Obtain the signed and dated written approval of the social worker's supervisor on either the case plan update or the court report prior to submission of the case plan update and the court report to the court.

- .13 Provide a copy of the completed case plan update to the parent(s)/guardian(s) and discuss the case progress, problems, and case plan status.
- .14 Submit the case plan update and the court report to the court at least 10 calendar days prior to the scheduled hearing.
 - .141 Updates to the case plan made during the period between review hearings which do not change the case plan goal may be approved by the social worker's supervisor and need not be approved by the court. The social worker's supervisor shall document approval of the updated case plan by signing and dating the case plan update.
- .15 Request the parent(s)/guardian(s) named in the case plan to sign the case plan update as an indication of plan approval and willingness to participate in service activities.
 - .151 If unable to obtain the signature of the parent(s)/guardian(s) as specified in Section 31-230.15, the county shall nevertheless provide services. However, the social worker shall document in the case plan the reason(s) for the failure to obtain the signature of the parent(s)/guardian(s).

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 366(a), and 16501.1(d) and (f), Welfare and Institutions Code.

.1 The social worker shall:

- .11 Complete a case plan update as often as the service needs of the child and family dictate and as is necessary in order to assure achievement of service objectives, but no less frequently than once each six months.
- .12 Provide a copy of the completed case plan update to the parent(s)/guardian(s) and discuss the case progress, problems, and case plan status.
- .13 Request the parent(s)/guardian(s) named in the case plan update to sign the case plan update as an indication of plan approval and willingness to participate in service activities.
 - .131 If the parent(s)/guardian(s) named in the case plan update refuses to sign the case plan update for voluntary services, voluntary services shall not be provided.
- .14 Obtain signed and dated written approval of the social worker's supervisor on the case plan update.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16501.1(f)(7) and 16507, Welfare and Institutions Code.

CHAPTER 31-300 SERVICE DELIVERY

31-301 GENERAL REQUIREMENTS FOR SERVICE DELIVERY

31-301

- .1 The individual child's case plan shall be the guiding principle in the provision of child welfare services.
 - .11 The social worker shall ensure that the provision of all services is consistent with the case plan goals specified in the child's case plan.
- .2 The county shall meet the requirements specified in Welfare and Institutions Code Section 16501(c) when purchasing services.
 - .21 Counties shall not contract for case management services and any activities which are mandated by the Division 31 regulations to be performed by the social worker.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16501.1, Welfare and Institutions Code.

- .1 The county may use volunteers to supplement professional child welfare services.
 - .11 The county shall ensure that volunteers comply with all statutes and regulations governing the child welfare services program.
 - .12 The county shall not delegate to volunteers any responsibilities and activities that are mandated by statute or regulation to be performed by social workers.
 - .13 The county shall not use volunteers to supplant social workers.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16501(e), Welfare and Institutions Code.

- .1 In providing or arranging for the provision of services identified in the case plan, the social worker shall:
- .11 Assist each child to understand through the provision of age-appropriate counseling the reason(s) for providing service to handle associated emotional problems.
 - .12 Monitor the child's physical and emotional condition.
 - .13 When a child's family is being provided services in order to maintain the child in the home, take action as necessary to ensure that the child's protective needs continue to be met.
 - .14 Assist the parent(s)/guardian(s) to understand agency procedures, the orders of the courts, if any, or arrangements between the county and other agencies.
 - .15 Provide to the parent(s)/guardian(s) of a child voluntarily receiving services both verbal and written information regarding the possibility that legal action may be taken which could result in removal of the child from the home if parenting problems are not solved and the child remains at risk of abuse, neglect, or exploitation.
 - .16 Provide respite and out-of-home care providers information of any known or suspected dangerous behavior of the child.
- .161 The social worker shall document in the case record any information provided to the respite and out-of-home care provider regarding the child's known or suspected dangerous behavior, including the following:
- (a) Date information was provided.
 - (b) Name of person receiving information.
 - (c) Specific facts provided.
 - (d) Affirmation that the person informed was advised that the facts were confidential and that unauthorized disclosure could result in a fine up to \$1,000.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 361.2, 10850, and 16501.1, Welfare and Institutions Code and Section 19, Penal Code.

- .1 Service-funded activities shall be available to children and their families in all phases of the Child Welfare Services program as specifically identified in the child's case plan.
- .2 Service-funded activities shall be provided as necessary to ensure the protection of the child.
- .3 State funding of service-funded activities shall be limited to the amount allocated to each county by the Department from funds appropriated to the Department in the annual Budget Act for the purpose of funding child welfare services.
 - .31 If service-funded activities are available through other public and private sources, the county shall exhaust those sources prior to authorizing the expenditure of state funds appropriated for the purpose of funding child welfare services.
- .4 The range of service-funded activities shall include, but not be limited to, the following:
 - (a) Case management.
 - (b) Counseling.
 - (c) Emergency shelter care, as specified in Section 31-415.
 - (d) Emergency/Temporary in-home caretakers.
 - (e) Therapeutic day services.
 - (f) Teaching and demonstrating homemakers.
 - (g) Parenting training.
 - (h) Substance abuse testing.
 - (i) Transportation.
 - (j) Respite care.
 - (1) Respite care services shall be provided only when there is a clear understanding of the time at which the parent(s)/foster parent(s) is expected to return to the home or be prepared to accept the child back into the home or to undertake alternative courses of action to arrange for the child's future care.
 - (2) Respite care services shall not exceed 72 hours per session.

- (3) Respite care services shall not be provided for the purpose of routine ongoing child day care.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16501(a)(1) and (2) and 16501(b), Welfare and Institutions Code.

Amend Sections 31-320.2, .21, .312, .411, .412(c), .42, and .7 and Handbook Section 31-320.114 to read:

31-320 SOCIAL WORKER CONTACTS WITH THE CHILD

31-320

- .1 The social worker shall arrange for visitation, as determined in the child's case plan, for each child.

HANDBOOK BEGINS HERE

- .11 The purpose of social worker contact with the child is to achieve the following objectives:
- .111 Verify the location of the child, monitor the safety of the child, assess the child's well-being, and assist the child in preserving and maintaining religious and ethnic identity.
 - .112 Gather information to assess the effectiveness of services provided to meet the child's needs, to monitor the child's progress, and to meet identified goals.
 - .113 Establish and maintain a helping relationship between social worker and child to provide continuity and stability point for the child.
 - .114 Solicit the child's input on his/her future. ~~Also~~ Inform the child as to current and future placement plans and progress, and discuss these plans and progress with the child.

HANDBOOK ENDS HERE

- .2 The social worker shall visit the child at least three times in the first 30 calendar days, including the initial in-person response/ ~~prior to completion of the case plan.~~
- .21 If the case plan is completed ~~prior to 30~~ in the first 21 calendar days after the initial removal of the child or in-person response, the social worker shall be permitted to have less frequent visits, up to a minimum of twice in the first 21 calendar days.
- .3 The social worker shall visit each child with an approved case plan who remains in the home at least once each calendar month.
- .31 The social worker shall be permitted to have less frequent visits, up to a minimum of once every two months, only if all the following criteria are met and written supervisory approval has been obtained:
- .311 The child has no severe physical or emotional problems caused or aggravated by remaining in his/her own home.

- .312 The child is visited at least once a week by a family preservation social worker or public health nurse when such persons are providing services pursuant to the case plan; and there is a verbal or written agreement with any such services provider, documented in the case record, that he/she will provide contact reports ~~expeditiously~~ to the social worker.

(a) The social worker shall ensure that verbal or written reports are received and documented in the case record.

- .4 The social worker shall do the following for each child with an approved case plan who is placed in out-of-home care:

.41 Visit the child at least once each calendar month.

- .411 The social worker shall be permitted to have less frequent visits, up to a minimum of once every three calendar months, only if all of the following criteria are met and written supervisory approval has been obtained:

- (a) The child has no severe physical or emotional problems caused or aggravated by the placement.
- (b) The placement is stable.
- (c) Subsequent to development of the case plan, and prior to any exception, the child has been visited in three of the most recent four consecutive months.
- (d) The case record documents the existence of at least one of the following circumstances:
 - (1) The child is placed with a relative.
 - (2) The child is placed with a foster parent who has provided continuous care for the child for a minimum of 12 months.
 - (3) The child is placed voluntarily and the parent(s)/guardian(s) identified in the case plan is making visits at least monthly.
 - (4) The child is under two years of age and less frequent social worker-child visits would facilitate reunification by permitting more frequent social worker-parent/guardian visits.
 - (5) The child is visited once each calendar month by one or more of the following persons when such persons are providing services pursuant to the case plan; and there is a verbal or written agreement with any such services provider, documented in the case record, that he/she will provide contact reports ~~expeditiously~~ to the social worker:

- (A) Other social services staff of the county.
- (B) Staff of another services agency.
- (C) A physician or other health professional.

(e) The social worker shall ensure that verbal or written reports are received and documented in the case record.

.412 The social worker shall be permitted to have less frequent visits, up to a minimum of once every six consecutive calendar months, if the child is receiving permanent placement services and one of the following criteria is met and written supervisory approval has been obtained:

- (a) The dependent child has been placed with a legal guardian, or in a group home or foster family home and all of the following conditions have been met:
 - (1) The child has been in the placement for at least six consecutive months.
 - (2) The child has no serious emotional problems caused or aggravated by the placement situation, and the social worker has determined that the placement has stabilized.
 - (3) The out-of-home care provider is cooperative in carrying out the case plan.
 - (4) The child is attending school, day treatment, or a licensed day care facility regularly or is being assisted to achieve self-maintenance as specified in a written transitional independent living plan.
- (b) The child has been placed with a relative and the conditions specified in Sections 31-320.412(a)(1) through (3) have been met.
- (c) The child is visited monthly by one or more of the following service providers providing services pursuant to the case plan and there is a verbal or written agreement, documented in the case record, that such service providers will provide contact reports ~~expeditiously~~ to the social worker:
 - (1) Other social services staff of the county.
 - (2) Staff of another services agency.
 - (3) A physician or other health professional.

(d) The social worker shall ensure that verbal or written reports are received and documented in the case record.

.413 The social worker shall be permitted to have less frequent visits, up to a minimum of once every six consecutive calendar months if the child is receiving permanent placement services, is in placement with a legal guardian, and dependency has been dismissed or the child has never been a dependent.

~~/42~~ .414 If the visitation requirement exception in Section 31-320.412 is in effect and the child is placed in a group home, the social worker shall telephone the child placed in a group home at least once each calendar month in those months the child is not required to be visited unless there is documentation in the case plan that it is not in the child's best interests.

.5 The minimum visitation requirements for all services are not applicable under the following circumstances:

.51 The child has an approved case plan, and

.52 The child is a dependent of the court, and

.53 The child's whereabouts are unknown and the court has been informed. The social worker must confirm and document in the child's case record that the child's whereabouts are unknown once every 30 days from the date of the initial discovery, or

.54 The child is residing out of state under the provisions of the Interstate Compact on the Placement of Children, is receiving services from the receiving state, and the receiving state is providing written or verbal reports to the social worker that are documented in the case record.

.6 Additional exceptions to the visitation requirement up to a minimum of once every six calendar months shall be permitted only in the following circumstances:

.61 For court supervised cases, court approval of a specific visitation plan.

.62 For voluntary cases, county deputy director approval of a specific visitation plan.

~~/7 Under no circumstances shall a social worker visit the child less frequently than once every six consecutive calendar months.~~

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 42 USC Sections 675 and 677 and Sections 10553, 11008.15, 11155.5, 16501(a), 16501.1(b), (d), and (f)(4), and 16504, Welfare and Institutions Code.

Amend Sections 31-325.212, .321, .323, and .5 to read:

31-325 SOCIAL WORKER CONTACTS WITH THE PARENT/GUARDIAN

31-325

- .1 The social worker shall arrange for contact, as determined in the case plan, for each parent/guardian.

HANDBOOK BEGINS HERE

- .11 The purpose of social worker contact with the parent(s)/guardian(s) named in the case plan is to achieve the following objectives:
- .111 Verify the location of the parent(s)/guardian(s), assess the functioning of the parent(s)/guardian(s) as it pertains to meeting the child's basic and special care needs, and the safe maintenance of the child in the home.
 - .112 Gather information to assess the effectiveness of services provided to meet the needs of the parent(s)/guardian(s), to monitor the progress of the parent(s)/guardian(s), and to meet identified goals.
 - .113 Establish and maintain a helping relationship between the social worker and the parent(s)/guardian(s).
 - .114 Counsel the parent(s)/guardian(s) as to current placement and progress.

HANDBOOK ENDS HERE

- .2 The social worker shall visit each parent(s)/guardian(s) named in the case plan receiving in-home services a minimum of once each calendar month.
- .21 The social worker shall be permitted to have less frequent visits, up to a minimum of once every two calendar months, only if all of the following criteria are met and written supervisory approval has been obtained:
- .211 The parent(s)/guardian(s) has no severe physical or emotional problems that affect his/her ability to parent the child.
 - .212 The parent(s)/guardian(s) is visited at least once a week by a family preservation social worker or public health nurse when such persons are providing services pursuant to the case plan, and there is a verbal or written agreement with any such services provider, documented in the case record, that he/she will provide contact reports ~~expeditiously~~ to the social worker.
 - .213 The social worker shall ensure that verbal or written reports are received and documented in the case record.

- .3 The social worker shall visit each parent/guardian named in the case plan whose child(ren) is placed in out-of-home care at least once each calendar month, unless the case plan contains documentation justifying less frequent visits and written supervisory approval has been obtained.
- .31 If the parent(s)/guardian(s) is not available for monthly visits, the social worker shall maintain monthly written or telephone contact with him/her regarding the child's status and the parent(s)/guardian(s) actions that should be occurring in order to facilitate reunification.
- .32 If all the following criteria are met, the social worker shall be permitted to maintain monthly written or telephone contact, rather than visits, with the parent(s)/guardian(s):
- .321 The parent(s)/guardian(s) is visited once each calendar month by one or more of the following service providers when such persons are providing services pursuant to the ~~statewide~~ case plan; and there is a verbal or written agreement with any such service provider, documented in the case record, that he/she will provide contact reports to the social worker.
- (a) Other social services staff of the county.
- (b) Staff of another services agency.
- (c) A physician or other ^{health} professional.
- .322 The social worker shall ensure that verbal or written reports are received and documented in the case record.
- .323 If the whereabouts of the parent(s)/guardian(s) are unknown and a due diligence affidavit has been filed with the court pursuant to Welfare and Institutions Code Section 366.23(b)(7), monthly contact is not required.
- .4 Additional exceptions to the visitation requirement up to a minimum of once every six months shall be permitted only in the following circumstances:
- .41 For court supervised cases, court approval of a specific visitation plan.
- .42 For voluntary cases, county deputy director approval of a specific visitation plan.
- 13 *Under no circumstances shall a social worker visit the parent(s)/guardian(s) less frequently than once every six consecutive months!*

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 366.23(b)(7) and 16501.1(f)(4), Welfare and Institutions Code.

- .1 The social worker shall arrange for contact, as determined in the child's case plan, for each out-of-home care provider.

HANDBOOK BEGINS HERE

- .11 The purpose of social worker/out-of-home care provider contact is to achieve the following objectives:
- .111 Monitor and assess the quality of care provided including the location and safety of the child and the ability of the out of home care provider to meet the child's basic and special needs, if any (e.g. health and educational needs).
 - .112 Gather information to assess the effectiveness of services provided to meet identified goals. Verify and synthesize data and information for court report. Maintain a case plan that is responsive to current and future needs.
 - .113 Establish and maintain mutually cooperative relationship between the social worker and the out-of-home care provider.
 - .114 Counsel the out-of-home care provider as to progress.

HANDBOOK ENDS HERE

- .2 The social worker shall do the following for the out-of-home care provider(s):
- .21 Have contact at least once each calendar month.
 - .211 Social workers shall not be required to contact the out-of-home care provider if the child has been receiving permanent placement services and one of the following criteria is met:
 - (a) The child has been placed with a legal guardian.
 - (b) The child has been placed with the same relative for five years or longer and there are no problems with the child's placement.
 - .22 Visit no less frequently than once every six calendar months.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16501.1(f)(4), (5), and (6), Welfare and Institutions Code.

- .1 The social worker shall have contact with other professionals working with the child, parents/guardians, and out-of-home care provider including, but not limited to, the following:
 - .11 Public Health Nurse
 - .12 Professional group home staff
 - .13 Physician
 - .14 Therapist
 - .15 Infant specialist
 - .16 Social workers from other counties or states providing services.

HANDBOOK BEGINS HERE

- .2 The purpose of social worker contact with other professionals is to achieve the following objectives:
 - .21 Confer and collaborate toward the most effective, efficient identification and meeting of the child's or the parent's needs.
 - .22 Monitor safety of the child (e.g., daycare center, public health nurse, etc.) and obtain their perception of the child's well-being.
 - .23 Determine whether parent is following through with commitments.
 - .24 Document reasonable efforts.

HANDBOOK ENDS HERE

- .3 The social worker shall request written reports from the professionals specified in Section 31-335.1, when their services are being provided to a child, parent/guardian, or out-of-home care provider as part of a case plan.
 - .31 The social worker shall ensure that such reports are received and documented in the case record.
 - .311 If the social worker is unable to obtain a written report, a verbal report shall be obtained and documented in the case record.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16501.1(f)(4), (5), and (6), Welfare and Institutions Code.

Amend Sections 31-340.3 and .4 to read:

31-340 PARENT/GUARDIAN CONTACTS WITH THE CHILD

31-340

- .1 The social worker shall not arrange unsupervised visits, unless the court orders unsupervised visits, if the child has been removed pursuant to a finding of "severe physical abuse" as provided for in Welfare and Institutions Code Section 300(e).
- .2 The social worker shall arrange for visits between child and the parent(s)/guardian(s) named in the case plan no less frequently than once each calendar month for children receiving family reunification services.
- ~~/3~~ .21 Exceptions to the visitation requirement up to a minimum of once every six months shall be permitted only in the following circumstances:
 - ~~/31~~ .211 For court supervised cases, court approval of a specific visitation plan.
 - ~~/32~~ .212 For voluntary cases, county deputy director approval of a specific visitation plan.
- .22 If the whereabouts of the child or parent are unknown and the social worker has followed the procedures specified in Section 31-320.53 or Section 31-325.33, the social worker shall not be required to arrange monthly visits between the child and the parent/guardian.
- ~~/4~~ *Under no circumstances shall a social worker arrange for visits between the parent/guardian and child less frequently than once every six consecutive months.*

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16501.1(f)(5) and (6), Welfare and Institutions Code.

- .1 The social worker shall arrange for visits between the child and grandparents, as determined in the child's case plan, for children receiving court-ordered family reunification services.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16507(a), Welfare and Institutions Code.

CHAPTER 31-400 PLACEMENT

31-401 GENERAL REQUIREMENTS FOR PLACEMENT

31-401

- .1 The social worker, other representative of the placing agency or another agency providing services, or other adult with whom the child is familiar, shall be present at the time of placement unless the child is placed out of state.
- .2 At the time of initial placement in foster care of a child who is a dependent of the court, the agency responsible for placement and care shall provide information describing the review process, including the permanency planning hearing, and subsequent court and administrative reviews, to the parent(s)/guardian(s); and to the child, if 10 years of age or older.
- .3 The placement of children in the same home or facility when such children have different legal status shall be subject to the provisions of Welfare and Institutions Code Sections 206 and 16514.
- .4 A foster parent providing out-of-home care to a child pursuant to court orders or providing such services to a voluntarily placed child shall have the legal consent authority specified in Health and Safety Code Section 1530.6.

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- .41 This statute provides that such foster parents may give the same legal consent for such child as would a parent except as specified in Sections 31-401.411 through .413.
 - .411 A foster parent does not have the authority to give legal consent for any of the following:
 - (a) Marriage.
 - (b) Entry into the armed forces.
 - (c) Medical or dental treatment which is not ordinary.
 - (1) Ordinary medical or dental treatment includes but is not limited to the following routine services provided by or under the supervision of licensed practitioners of medicine and dentistry to protect or enhance a child's health:
 - (A) Immunizations.
 - (B) Physical examinations.
 - (C) X-rays.

.412 A parent of a voluntarily placed child has the authority to modify or prohibit consent by a foster parent if a written agreement regarding such modification or prohibition exists between the agency and the parent.

.413 A court of competent jurisdiction has the authority to issue an order limiting foster parent's authority to give such consent.

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Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16501, Welfare and Institutions Code; Section 1530.6, Health and Safety Code.

.1 When arranging for a child's placement the social worker shall:

- (a) Meet the requirements specified in Section 31-515 when placing an Indian child.
- (b) Assist each child in understanding the reason(s) for placement.
- (c) Arrange for preplacement visitation between the child and the out-of-home care provider, if possible.
- (d) Assist each child to maintain his/her cultural and ethnic identity.
- (e) Monitor the child's physical and emotional condition, and take necessary actions to safeguard the child's growth and development while in placement.
- (f) Ensure that information regarding available CHDP services is provided to the out-of-home care provider within 30 days of the date of placement.
- (g) Ensure that the child receives medical and dental care which places attention on preventive health services through the Child Health and Disability Prevention (CHDP) program, or equivalent preventive health services in accordance with the CHDP program's schedule for periodic health assessment.
 - (1) Each child in placement shall receive a medical and dental examination, preferably prior to, but not later than, 30 calendar days after placement.
- (h) Make certain that arrangements for, and monitoring of, the child's educational progress while in placement are undertaken.
- (i) Make arrangements for the out-of-home care provider to have telephone access to a social worker 24 hours a day, seven days a week in case of emergencies involving his/her foster child(ren).
- (j) Ensure that the out-of-home care provider understands and supports the child's case plan, and is aware of any change(s) thereto.
- (k) Provide the out-of-home care provider the child's background information as available, including, but not limited to, the following histories:
 - (1) Educational.
 - (2) Medical.
 - (3) Placement.

- (4) Family.
- (5) Behavioral.
- (1) Provide the out-of-home care provider(s) information of any known or suspected dangerous behavior of the child being placed.
 - (1) The social worker shall document in the case record any information provided to the out-of-home care provider(s) regarding the child's known or suspected dangerous behavior, including the following:
 - (a) Date information was provided.
 - (b) Name of person receiving information.
 - (c) Specific facts provided.
 - (d) Affirmation that the person informed was advised that the facts were confidential and that unauthorized disclosure could result in a fine up to \$1,000.
- (m) Ensure completion of the documentation necessary to initiate AFDC-FC payments, as appropriate.
- (n) Assist the parents to understand their rights and responsibilities while their child is in foster care.
- (o) Document the reason(s) for the following, when applicable:
 - (1) The child's transfer to another placement location.
 - (2) The child's out-of-county or out-of-state placement.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16501, Welfare and Institutions Code.

- .1 Temporary placement services shall consist of emergency shelter care and out-of-home respite care.
- .2 Temporary placement services shall be provided when the social worker has considered and/or used in-home services and has determined that the provision or continued provision of these services will not safely maintain the child in his/her own home.
- .3 Emergency shelter care services shall be provided as specified in Section 31-415.
- .4 When selecting a temporary placement for the child, the social worker shall adhere to the following priority order:
 - .41 The home of a relative in which the child can be safely placed.
 - .42 A licensed foster family home, licensed small family home, or a licensed foster family agency for placement in a family home which has been certified by the foster family agency or a county-operated emergency shelter care facility.
 - .43 A licensed group home.
 - .431 Group home placements shall be subjected to the additional criteria specified in Sections 31-420.241(a) and (b).
- .5 The temporary placement shall be based on the following needs of the child including, but not limited to:
 - .51 The least restrictive, most family-like environment.
 - .52 The child's age and sex.
 - .53 The child's health and any special needs of diet, medical or psychological care.
 - .54 The possible need for access to or protection from the child's parent(s)/guardian(s).
 - .55 The protective needs of the community.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 319(d), 361.2(b), and 16501.1, Welfare and Institutions Code.

- .1 Provision of emergency shelter care shall not exceed 30 calendar days in any one incident that requires removal of the child.
 - .11 The county shall be permitted to provide emergency shelter care beyond 30 calendar days only when the case record documents the existence of one of the following circumstances:
 - .111 Emergency shelter care is necessary to meet the continuing protective needs of the child, and there is no other location wherein these protective needs can be met.
 - .112 The child has special needs which render him/her extremely difficult to place, and there is no other location available wherein these special needs can be met.
 - .12 The circumstances permitting extension of emergency shelter care beyond 30 calendar days shall be reviewed and the extension approved in writing by an administrative official higher than a first-level supervisor.
- .2 In no event shall federal and/or state funds appropriated for the purpose of providing any of the child welfare services specified in Division 31 be provided for emergency shelter care beyond 30 calendar days in any one episode.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16501(a)(3), Welfare and Institutions Code.

Amend Section 31-420.12 to read:

31-420 FOSTER CARE PLACEMENT

31-420

- .1 The foster care placement shall be based on the following needs of the child including, but not limited to:
 - .11 The least restrictive, most family-like environment.
 - .12 The child's age, sex and cultural background, including racial or ethnic and religious identification.
 - .13 Planned parent/guardian-child contacts during the separation, and the specific actions to be taken by the parent(s)/guardian(s) which will facilitate reunification.
 - .14 Capability of the foster parent(s) to meet specific needs of the child.
 - .15 Appropriateness of attempting to maintain the child in his/her current school.
 - .16 The child's health and emotional factors.
 - .17 Anticipated special needs of the child, including but not limited to transportation, diet, medical and/or psychological care, clothing, recreation, and special education.
- .2 When selecting a foster care placement for the child, the social worker shall adhere to the following priority order:
 - .21 The home of a relative in which the child can be safely placed.
 - .211 When a child is placed under such circumstances, the foster home shall be exempt from licensure pursuant to Health and Safety Code Section 1505.
 - .22 A licensed foster family home, licensed small family home, or a licensed foster family agency for placement in a family home which has been certified by the foster family agency.
 - .23 A family home which has been certified pending licensure.
 - .231 No child shall be placed in a family home which has been certified pending licensure unless the case record documents that the child's specific needs cannot be met by an available licensed or exempt facility.
 - (a) Under such circumstances, the placing worker shall complete the requirements specified in Section 31-445 prior to placement.

.24 A licensed group home.

.241 Placements in group homes shall be subject to the following additional requirements:

- (a) The following conditions shall exist and shall be documented in the case plan:
 - (1) Placement is necessary to meet the treatment needs of the child.
 - (2) The group home has a treatment program that meets such treatment needs.
- (b) The social worker shall also document in the case record the reason(s) for the following:
 - (1) A statement of the specific needs of the child which cannot be met if the child resides in a less restrictive environment.
 - (2) A description of the types and modalities of treatment program(s) offered and delivered to the child.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 361.2(b), 361.2(e)(2) and (3), 16501.1(b) and (c), and 16507.5(b), Welfare and Institutions Code; and Section 275, Civil Code.

Amend Section 31-425.12 to read:

31-425 PERMANENT PLACEMENT

31-425

- .1 The permanent placement shall be based on the following needs of the child including, but not limited to:
 - .11 The degree of permanency of the available alternatives.
 - .12 The child's age, sex and cultural background, including racial or ethnic and religious identification.
 - .13 Capability of the out-of-home care provider(s), adoptive parent(s), or guardian(s) to meet specific needs of the child.
 - .14 Appropriateness of attempting to maintain the child in his/her current school.
 - .15 The child's health and emotional factors.
 - .16 Anticipated special needs of the child, including but not limited to, transportation, diet, medical and/or psychological care, clothing, recreation, and special education.
- .2 When selecting a permanent placement for the child, the social worker shall adhere to the priority order specified in Sections 31-201.12(c)(2)(A) through (C).

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16501 and 16501.1, Welfare and Institutions Code; and Section 275, Civil Code.

- .1 In addition to the general requirements specified in other Division 31 regulations, the provisions specified below shall apply to voluntary placements.
- .2 Voluntary placement of a nondependent child shall occur only when there is a written voluntary placement agreement between the county and the parent(s)/guardians(s) pursuant to the provisions of Sections 16507.2, 16507.3, and 16507.4(b), Welfare and Institutions Code.
- .3 The social worker shall:
 - .31 Complete the Voluntary Placement Agreement-Parent/Agency.
 - .32 Provide a written statement informing the parent(s)/guardian(s) that he/she may be responsible for a share of the family reunification services costs.
 - .33 Assist the parent(s)/guardian(s) of voluntarily placed children to understand that he/she still retains legal custody of the child even though he/she voluntarily places the child with the agency; and that he/she may limit by written agreement the scope of the foster parent's authority to give parental consent.
 - .34 Ensure that the computation of the share of costs is completed pursuant to Welfare and Institutions Code Section 16507.4(a).

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16507.2, 16507.3, and 16507.4, Welfare and Institutions Code.

- .1 Out-of-county placements shall be subject to the additional criteria specified in Section 31-505.
- .2 Out-of-state placements shall be subject to the additional criteria specified in Section 31-510.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 361.2, Welfare and Institutions Code; and Sections ~~265~~
et seq., ~~Civil~~ Code. 7901

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- .1 The foster parent(s) shall be given at least seven calendar days' advance written notice of intent to remove a child, and of the right to request a grievance review.
 - .11 The county shall have the authority to include a waiver of the notice requirement specified in Section 31-440.1 in the written placement agreement with the foster parent(s).
 - .111 Waivers shall not exceed six months from the date of placement.
 - .112 Waivers shall be considered exceptions used solely to meet unusual individual needs.
- .2 The county shall not be required to provide the notice specified in Section 31-440.1 if one or more of the following conditions exist:
 - .21 The child is in immediate danger.
 - .22 A signed waiver of notice has been obtained from the foster parent(s), as specified in Section 31-440.11.
 - .23 A court has ordered the child's removal.
 - .24 Adverse licensing or certification actions have occurred which prohibit the foster parent(s) from continuing to provide services.
 - .25 Removal of a voluntarily placed child is made or requested by the child's parent(s)/guardians.
- .3 For foster parents providing permanent placement services the social worker shall provide the foster parent(s) with written notice explaining the court order that permanent placement services be terminated.
 - .31 The county shall be permitted to use a copy of the court report or modified service plan for purposes of notifying the foster parent(s), if appropriate.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16501, Welfare and Institutions Code.

- .1 Prior to placement of a child in a family home which is pending licensure, the social worker shall certify that the home meets licensing standards, and shall complete the following additional requirements:
 - .11 An on-site evaluation of the home shall be conducted. Such evaluation shall include the following:
 - .111 An assessment of the prospective foster parent'(s) ability and desire to meet the child's specific needs and to participate in planning for the child.
 - .112 Verification that the home has no safety defects which could pose a hazard to the child, including, but not limited to, the following:
 - (a) An unfenced swimming pool if serving a child who is either under six years of age or has a disability.
 - (b) Exposed electrical wiring.
 - (c) Inoperative plumbing fixtures.
 - .113 Verification that the home is of sufficient size and adequately furnished to meet the needs of the entire foster family.
 - .12 Verification shall be obtained that the following have occurred:
 - .121 An application for a foster family home license has been made.
 - .122 The application and its supportive documents do not raise a possible license denial issue.
 - .123 The foster parent agreement has been signed by the foster parent(s).
 - .124 The foster parent(s) has signed a statement indicating that he/she has never been convicted of nor is awaiting trial for, any crime other than a minor traffic violation.
 - .13 The documentation specified in Sections 31-420.231 and 31-445.12 shall be completed.
 - .14 The licensing agency shall be notified that a placement is to be made, when the placement is to occur, and its estimated duration.
 - .15 Written supervisory approval of the placement shall be obtained.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16507.5(b), Welfare and Institutions Code; and Sections 1522 and 1522.05, Health and Safety Code.

Chapter 31-500 SPECIAL REQUIREMENTS

31-501 CHILD ABUSE AND NEGLECT REPORTING REQUIREMENTS

31-501

- .1 The county shall report child abuse as defined in Penal Code Section 11165.6, to law enforcement departments and the District Attorney's Office as specified in Penal Code Section 11166(g).
 - .2 When the county receives a report of abuse that has allegedly occurred in a licensed facility, the county shall, as specified in Penal Code Sections 11166.1 and 11166.2, notify the licensing office with jurisdiction over the facility.
 - .3 The county shall submit a report pursuant to Penal Code Section 11169 to the Department of Justice of every case it investigates of known or suspected child abuse that it has determined not to be unfounded as defined in Penal Code Section 11165.12.
- .31 The county shall make information received from the Department of Justice available as specified in Penal Code Section 11170(b)(1).

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11165.12, 11165.6, 11166, 11166.1, 11166.2, 11169, and 11170(b)(1), Penal Code.

- .1 Out-of-county placements shall be subject to the provisions of Welfare and Institutions Code Sections 361.2(c) and (d).

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- .11 These statutes provide that children shall be placed in their parents' or guardians' county of residence unless they are placed with relatives or there is no suitable placement in such county, and provide for a notification process to parent(s) or guardian(s).

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- .12 Under such circumstances, the following requirements shall be met:
- .121 The sending county shall be responsible for providing direct supervision and services or arranging for the provision of supervision and services by the receiving county in accordance with Section 31-505.123.
- (a) The sending county shall specify in the case plan how the service needs of the child, including social worker visitation/contact requirements, are to be met while the child is placed out-of-county.
- .122 The sending county shall be responsible for services to the child's parent(s)/guardian(s) and continued case plan updates.
- .123 If the receiving county accepts responsibility for providing supervision and services, the following requirements shall be met:
- (a) A written agreement shall be executed between the receiving and sending counties which specifies the respective responsibilities of each county.
- (b) The receiving county shall provide periodic written reports to the sending county on the child's condition and progress in order to facilitate required case plan updates.
- (c) The receiving county shall concur that the proposed placement meets the child's needs.
- (d) The sending county shall provide consultation and advice on the case, as needed.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 361.2(c) and (d), Welfare and Institutions Code.

- .1 The Interstate Compact on the Placement of Children (ICPC) shall be applicable between member states under any of the following circumstances:
- .11 When an agency or court in a member state, the sending agency, wishes to place a child, for whom it holds legal custody or placement responsibility, in another member state and in a:
- .111 Boarding or foster family home.
- .112 Group home.
- .113 Relative's home, including the home of a parent.
- .114 Childcaring institution.
- .12 When an agency or court in a member state has placed a child in foster care or with a relative in a home within that state and intends to continue placement although the family may move, or has moved, to another member state.
- .13 When an individual in a member state wishes to place a child who is in his custody in another member state in a:
- .131 Foster family home.
- .132 Group Home.
- .133 Relative's home except as excluded under Article 8 of the Interstate Compact.
- .134 Childcaring institution.
- .2 The ICPC shall not be applicable when a potential foster family makes a routine inquiry or application to an agency in a member state other than the state of family residence.
- .21 When the state to which they apply wishes to have the home studied as a resource for additional children needing placement, the family shall be directed to apply through an agency in the state in which they reside.
- .3 Procedures for children leaving California shall be as follows:
- .31 The California sending agency shall comply with the provisions of California ~~Civil~~ Code Sections ~~264~~ through ~~274~~.
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- .32 The California sending agency shall complete Sections I, II and III of Form ICPC 100A (Rev. 10/91), Interstate Compact Placement Request, and shall:
- .321 Retain one copy in agency files.

- .322 Forward four copies to the appropriate public authority in the receiving state, with two copies of applicable legal documents such as court orders; two copies of summaries of significant information on the child and the prospective foster or relative family; and two copies of a financial and medical services plan, including information on the eligibility of the child for federal Title IV-E assistance.

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- (a) ICPC suggested procedures specify that the receiving state's appropriate public authority should forward copies of the summaries and legal documents to the receiving agency, requiring recommendation on the suitability of the placement plan.
- .33 A home study shall be required for every proposed placement. The California sending agency shall not send a child out of state until it has received, from the appropriate public authority in the receiving state, an ICPC 100A (Rev. 10/91) approved in writing and a home study assessing the following:
- .331 Amount of supervision available from the receiving agency.
- .332 Ability of the community or area of proposed placement to meet any special needs of the child.
- .333 Parental capabilities and problems if the plan involves movement as a family unit.
- .334 Appropriate information concerning the family with whom placement is to be made.
- .34 ICPC suggested procedures specify that the receiving state's appropriate public authority will notify the California sending agency of approval or disapproval of the plan for the child by completing Section IV of Form ICPC 100A (Rev. 10/91), signing and forwarding two copies of the form with all additional forms and pertinent information to the California sending agency within 30 days from the date it was received in that state.

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- .35 Prior to placement, the California sending agency shall assure that a financial plan has been developed for the child and that the receiving state has agreed with the plan in writing. Nothing in this section shall be construed as providing entitlement to public social services or aid payments for which the child is not otherwise eligible.
- .36 When the child is placed pursuant to receipt of written approval, the California sending agency shall complete Form ICPC 100B (Rev. 10/91), Interstate Compact Report on Child's Placement Status, and forward two copies to the appropriate public authority in the receiving state.

.37 The California sending agency shall cooperate with the receiving agency in ongoing case planning for the duration of placement.

.38 To report change in placement status:

.381 The California sending agency shall complete Form ICPC 100B (Rev. 10/91), Interstate Compact Report on Child's Placement Status, and forward two copies to the appropriate public authority in the receiving state under the following circumstances:

(a) When there is a change in the placement status of the child.

(b) When placement is terminated by adoption decree.

(c) When there is any other significant change in plans for the child.

.4 Procedures for children entering California are as follows:

.41 The California receiving agency shall comply with the provisions of California ~~Civil~~ Code Sections ~~264~~ through 274.

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.42 The ICPC suggested procedures require that the sending state's appropriate public authority forward to the California receiving agency:

.421 Four copies of the signed Form ICPC 100A (Rev. 10/91).

.422 Two copies of applicable legal documents such as court orders, and summaries of significant information on the child to be placed and the prospective foster or relative family.

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.43 Upon receipt of a Form 100A (Rev. 10/91) from the sending state's appropriate authority, the California receiving agency shall complete a home study with a recommendation on the suitability of the placement plan. A home study shall be required for every proposed placement and shall be made to assess the following:

.431 Amount of supervision available from the California receiving agency.

.432 Ability of the community or area of proposed placement to meet any special needs of the child.

.433 Parental capabilities and problems if the plan involves movement as a family unit.

.434 Appropriate information concerning the family with whom placement is to be made.

- .44 The California receiving agency shall notify the sending state's appropriate public authority of approval or disapproval of the plan for the child by completing Section IV of Form ICPC 100A (Rev. 10/91) and forwarding two copies of the form with all additional forms pertinent information to the sending state's appropriate public authority.
- .45 Prior to placement, the California receiving agency shall assure that a financial plan has been developed for the child, in cooperation with the sending agency. Upon agreement, the California receiving agency shall verify its acceptance of the plan, in writing. Nothing in this section shall be construed as providing entitlement to public social services or aid payments for which the child is not otherwise eligible.

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- .46 When the child is placed:

.461 ICPC suggested procedures require that:

- (a) The sending agency shall complete Form ICPC 100B (Rev. 10/91), Interstate Compact Report on Child's Placement Status, forward copies to the sending state's appropriate public authority.
- (b) The sending state's appropriate public authority shall sign and forward copies of the form to the DSS.

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- .47 The California receiving agency shall cooperate with the sending agency in ongoing case planning for the duration of placement.
- .48 If the social worker determines that it is too dangerous to maintain a dependent minor of the court of another state in the home in which he/she has been placed under the ICPC, the social worker shall:
- .481 Provide emergency shelter care services to the child.
 - .482 Notify the sending agency and the appropriate public authority in the sending state of the child's removal within 48 hours, excluding nonjudicial days, of its occurrence.
 - .483 Assist the sending agency to resolve the placement issue.

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- .49 To report a change in placement status:

.491 ICPC suggested procedures require that the sending agency shall complete the "Interstate Compact Report on Child's Placement Status", Form ICPC 100B (Rev. 10/91), and forward copies to the California receiving agency under the following circumstances:

- (a) When there is a change in the placement status of the child.
- (b) When placement is terminated by adoption decree.
- (c) When there is any other significant change in plans for the child.

.492 The sending state's appropriate public authority shall forward copies of the ICPC 100B (Rev. 10/91) to the California local receiving agency.

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- .5 Jurisdiction over the placed child shall conform to the requirements of ^{Family} ~~civil~~ Code Section 265, Article 5 (a). CT

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- .51 The following portion of the California Civil Code Section 265 relates to jurisdiction over a placed child:

~~"The sending agency shall retain the same jurisdiction over matters related to the custody, supervision, care, treatment and disposition of the child which it would have had if the child had remained in the sending agency's state. This jurisdiction shall continue until the child is adopted, reaches maturity, becomes self-supporting or is discharged with the concurrence of the appropriate authority in the receiving state. Such jurisdiction shall include the power to effect or cause the return of the child or transfer the child to another location and custody pursuant to the law. The sending agency shall continue to have financial responsibility for support and maintenance of the child during the period of placement."~~ CT

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.6 Visits

- .61 A visit is not a placement (see ^{Family} ~~Civil~~ Code Section 265, Article 2(d)) within the meaning of the Interstate Compact on the Placement of Children. Visits and placements shall be distinguished on the basis of purpose, duration and the intention of the person or agency with responsibility for planning for the children as to the child's place of abode. CT
- .62 The purpose of a visit shall be to provide the child with a social or cultural experience of short duration, such as a stay in camp or with a friend or relative who has not assumed legal responsibility for providing child care services.
- .63 A visit for 24 hours or longer shall involve the provision of some services in the nature of child care by the person or persons with whom the child is staying. The provision of these services shall not, of itself, alter the character of the stay as a visit.

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- .64 If the child's stay is intended to be for no longer than 30 days and if the purpose is as described in .62, it will be presumed that the circumstances constitute a visit rather than a placement.
 - .65 A stay or proposed stay of longer than 30 days shall be considered a placement or proposed placement.
 - .66 A visit shall not be extended or renewed beyond 30 days.
 - .67 If a stay does not from the outset have an express terminal date, or if its duration is not clear from the circumstances, it shall be considered a placement or proposed placement and not a visit.
 - .68 If a request for a home study or agency supervision is made by the person or agency which sends or proposes to send a child on a visit, such request shall conclusively establish that the intent of the stay or proposed stay is a placement and not a visit.
- .7 Required forms include the following:
- .71 Interstate Compact Placement Request, Form ICPC 100A (Rev. 10/91).
 - .72 Interstate Compact Report on Child's Placement Status, Form ICPC 100B (Rev. 10/91).

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section ~~265~~, ~~Civil~~ Code.
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- .1 When a dependency petition is initiated by the social worker on behalf of a child who is or may be an Indian child the social worker shall:
- .11 Identify in the petition that the child is or may be an Indian child as defined by the ICWA.
- .111 To make such a determination, the social worker shall ask the child, his parent or custodian whether the child is or may be a member of an Indian tribe, or whether the child identifies himself/herself as a member of a particular Indian organization.
- (a) When there is any oral or written information which indicates that the child is or may be an Indian child, the social worker shall:
- (1) Obtain the name, address, date of birth, and tribal affiliation of birth parents, grandparents, and great grandparents.
 - (2) Obtain the name and address of tribal governing organizations.
 - (3) Complete Request for Confirmation of Child's Status as an Indian (SOC 318).
 - (4) Obtain a copy or photocopy of the child's state certified birth certificate.
 - (5) Send completed Request for Confirmation of Child's Status (SOC 318) and the birth certificate to the Bureau of Indian Affairs (BIA), Attention Tribal Operations for a determination as to whether or not the child is an Indian as defined by the ICWA.
- .112 If a determination is made that a child is or may be an Indian child as defined by the ICWA after the initial petition is filed with the court, the county shall file an amended petition notifying the court of this determination.
- .12 Give notice to the Indian child's parent(s) or Indian custodian(s) and the child's tribe(s), by registered mail with return receipt requested, of the pending proceedings and their right to intervene at any point in the proceedings. This notice shall be sent on Form SOC 319 "Notice of Hearing" and must be received by the Indian child's parent(s) or custodian and tribe no later than 10 days prior to the hearing date.
- .121 When the identity or location of the parent(s), Indian custodian(s), or tribe cannot be determined, notice shall be given to the Secretary of the Interior (Secretary) by registered mail, return receipt requested.

- (a) Notice to the Secretary shall be mailed to the Sacramento Area Director, Bureau of Indian Affairs, Federal Office Building, 2800 Cottage Way, Sacramento, California, 95825.
- (b) The notice shall include the following information if known:
 - (1) Indian child's name, birthdate, and birthplace.
 - (2) Indian child's tribal affiliation.
 - (3) Name, birthdate, birthplace and mother's maiden name of the Indian child's parent(s) or Indian custodian(s).
 - (4) A copy of the petition, complaint, or other document by which the proceeding was initiated.

.122 The Secretary will have 15 days from receipt of notice to provide the required notice in Section 31-515.12 to the parent(s), Indian custodian and tribe.

HANDBOOK BEGINS HERE

.123 A tribe, parent or Indian custodian entitled to notice of the pending of a child custody proceeding has a right, upon request to the court, to be granted an additional 20 days from the date upon which notice was received to prepare for participation in the proceeding.

HANDBOOK ENDS HERE

.13 Document efforts made to provide services and rehabilitative programs designed to prevent the breakup of the Indian family, and that such efforts were unsuccessful.

.131 It shall not be necessary to show such efforts have been made in emergency situations prior to temporary removal from the home where it is determined that, even with reasonable services being provided, such removal is essential to protect the child from serious physical or emotional damage.

(a) Efforts to provide services shall be made subsequent to such emergency removal.

.132 Where an emergency situation exists and it has been determined that an Indian child must be temporarily removed from the home, the worker shall make efforts to place the child in an Indian home, and shall notify the appropriate Indian tribal entity of the removal in order to solicit tribal assistance and support in the placement of the child.

.14 Present to the court clear and convincing evidence, by qualified expert witnesses in addition to testimony of county staff involved in the dependency action, that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. Where the county provides the expert witness, the witness shall be:

.141 A person other than the social worker who initiated the dependency action and:

(a) A member of the Indian child's tribe who is recognized by the tribal community as knowledgeable in tribal customs as they pertain to family organization and child rearing practices; or

(b) A lay expert witness who has substantial experience in the delivery of child and family services to Indians, and extensive knowledge of prevailing social and cultural standards and child rearing practices within the Indian child's tribe; or

(c) If a person described in Section 31-515.141(a) or (b) is not available a professional person who has substantial education and experience in the area of his or her specialty.

.2 If at the time of the dependency court appearance, no determination has been made regarding the child's status as an Indian child, as defined by the ICWA, the social worker shall:

.21 Advise the court of all information which indicates that the child may be an Indian child.

.22 Advise the court of all efforts made to establish the child's status as an Indian child.

.23 Request direction from the court on how to proceed with the dependency action.

.24 Continue contacts with the BIA until the question of the child's status as an Indian child, as defined by the ICWA, has been resolved and the resolution is documented in the case record for future reference.

.3 The provisions of Section 31-515 et seq. shall be met when a petition for continued detention is filed by the social worker on behalf of an Indian child.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 25 USCA Section 1901 et. seq.

- .1 In addition to the placement requirements specified in Chapter 31-400, the following requirements shall also apply when placing Indian children:
 - .11 The standards to be applied in Indian child placements shall be the prevailing social and cultural standards of the Indian community in which the parent or extended family member maintains social and cultural ties.
 - .12 In any placement of an Indian child, the agency shall select the least restrictive placement which most approximates a family.
 - .121 Unless there is good cause to the contrary or the child's tribe establishes a different order of preference by resolution, the order of placement preference shall be as follows:
 - (a) A member of the Indian child's extended family.
 - (b) A foster home approved, specified or licensed by the Indian child's tribe.
 - (c) An Indian foster home licensed or approved by an authorized non-Indian licensing authority.
 - (d) An institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's needs.
 - .13 The order of placement preference specified in Sections 31-520.121(a) through (d) shall not override current state licensing regulations.
 - .14 Licensure by an Indian child's tribe shall not constitute licensure by the state, nor shall licensure by the state constitute licensure by the Indian child's tribe.
- .2 When an Indian child's parent(s) or Indian custodian voluntarily consents to a foster care placement, the following requirement shall be met:
 - .21 The authorized agency official and the Indian child's parent(s) or Indian custodian shall appear together before a judge of the Superior Court to sign the consent Form SOC 155-C.
 - .211 If a parent wishes to make a voluntary foster care placement of a newborn through a licensed adoption agency, and is considering relinquishment of the newborn to the agency, the appearance before the judge shall not be required unless the foster care placement continues for more than 30 calendar days because the relinquishment is not taken within such time period.

- .22 In the presence of the judge and before the consent can be signed, the agency official shall explain the terms and consequences of the consent in detail to the Indian child's parent(s) or Indian custodian in a language understood by the parent(s) or Indian custodian.
- .23 For the consent to be valid, it shall be necessary for the judge to certify in writing that the terms and consequences of the consent were fully explained in detail and fully understood, including that:
 - .231 The consent may be withdrawn and the child returned to the parent(s) at any time.
 - .232 The placement of the child will be in accordance with the order of placement preference specified in Sections 31-520.121(a) through (d).
 - (a) When a consenting parent evidences a desire for anonymity, the agency shall inform the court of the desire and shall request direction from the court in applying the preferences.
 - .233 The return of the child shall be within an agreed-upon time period, ordinarily not to exceed three working days. In no case shall the return of the child require more than seven calendar days following the parent's request.
- .24 Any consent given prior to or within ten working days of the birth of the Indian child shall not be valid.
 - .241 During such time period, the child shall be provided with necessary child protective services.
- .3 Requirements regarding case records shall include the following:
 - .31 All Indian child placements shall be clearly documented on the placement history Form SOC 153.
 - .32 Efforts to comply with the placement preference order specified in Sections 31-520.121(a) through (d) shall be documented, and any deviations to the order shall be fully explained.
 - .33 The placement history shall be available to the Secretary of the Interior and/or the child's Indian tribe, upon request to the county.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 25 USCA Section 1901 et seq.

- .1 For each child in placement, age 16 or older, the social worker shall develop a written transitional independent living plan which describes the programs and services, including employment, as appropriate, which will help the child prepare for the transition from foster care to independent living.
 - .11 The written transitional independent living plan shall be incorporated into the case plan specified in Section 31-205.47.
 - .111 If employment is part of the written transitional independent living plan the case plan must state that the purpose of employment is to enable the child to gain knowledge of needed work skills, work habits, and the responsibilities of maintaining employment.
 - .12 Independent living services shall be provided, as appropriate, based on the written transitional independent living plan.
 - .13 A copy of the written transitional independent living plan shall be provided to each child receiving independent living services.
 - .14 The case record shall include any written authorization by the social worker or probation officer for withdrawal of cash savings, for purposes of emancipation, acquired through participation in the Independent Living Program (ILP).
 - .15 When income and incentive payments are earned as part of the written transitional independent living plan, the requirements of Welfare and Institutions Code Sections 11008.15 and 11155.5 shall also apply.

HANDBOOK BEGINS HERE

- .151 Examples of incentive payments are cash, not to exceed \$600 annually, and/or household items, such as, pots and pans, linens, kitchen utensils, or other items to help the child in later establishing a household.

HANDBOOK ENDS HERE

- .16 If transitional independent living services are not appropriate, the social worker shall document in the case plan the reason(s) why they are not appropriate. These services shall be inappropriate only if the child is physically or mentally not able to benefit from such services.
- .17 The written transitional independent living plan shall be in place as specified in Sections 31-525.11 through .15; however, services shall be subject to the continued availability of federal independent living funds.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 42 USC Sections 675 and 677.

Amend Chapter 30-300 title to read:

CHAPTER 30-300 REIMBURSEMENT FOR VOLUNTARY FAMILY REUNIFICATION SERVICES

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code.

EMERGENCY
NOTICE/PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

Original
For use by Secretary of State only

STD. 400 (REV. 2-91)

AGENCY

California Department of Social Services

AGENCY FILE NUMBER (If any)

RDB# 1293-48

OAL FILE
NUMBERS

NOTICE FILE NUMBER

REGULATORY ACTION NUMBER

EMERGENCY NUMBER

PREVIOUS REGULATORY ACTION NUMBER

94-0201-04E

For use by Office of Administrative Law (OAL) only

**ENDORSED
APPROVED FOR FILING
AND PUBLICATION**

FEB 11 1994

Office of Administrative Law

NOTICE

REGULATIONS

FILEDIn the office of the Secretary of State
of the State of California

FEB 11 1994

At 4:07 O'clock P. M.

MARCH FONG EU, Secretary of State

By *Lita J. Kunk*

Deputy Secretary of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE AFDC-FC Audit Overpayments		TITLE(S)		FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	
<input type="checkbox"/> Other OAL USE ONLY		ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S)** (Including title 26, if toxics-related)

TITLE(S)	ADOPT
MPP	
SECTIONS AFFECTED	AMEND
	11-400; 11-402; and 11-407
	REPEAL

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346)
 ☐ Resubmittal
 ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)
 ☒ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only
 ☐ Other (specify) _____

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State
 ☒ Effective on filing with Secretary of State
 ☐ Effective other (Specify) _____

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☒ Department of Finance (Form STD. 399)
 ☐ Fair Political Practices Commission
 ☐ State Fire Marshal

☐ Other (Specify) _____

6. CONTACT PERSON

Frank Vitulli, Assistant Chief, Regulations Development Bureau

TELEPHONE NUMBER

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Eloise Anderson

TYPED NAME AND TITLE OF SIGNATORY

Eloise Anderson, Director

DATE

JAN 31 1994

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Amend Section 11-400 to read:

11-400 AFDC-FOSTER CARE RATES

11-400

Definitions. For purposes of the Foster Care Program, the following definitions shall apply wherever the terms are used throughout Chapter 11-400:

- a. (1) ~~Administrative Hearing / an administrative hearing conducted by an Administrative Law Judge of the State Department of Social Services (SDSS) as defined by Welfare and Institutions Code Section 11212/~~ (Reserved) (Continued)
- d. (Continued)
- (4) Direct Contact Contract - An agreement between a group home provider and a social worker, as defined in Section 11-400s.(4) exclusively for direct social work activities to children in care in accordance with Sections 11-402.212(a)(2)(A) and 11-402.222(d). The social worker that is eligible for double weighting shall be an Independent Contractor as provided by state and federal laws, including Section 3353 of the California Labor Code.
- (45) Director (Continued)
- (6) Due Date - The date a group home rate application, a request for good cause or an additional information request is due. If this date falls on a weekend or a legal holiday, the due date is the next business day. If this information is mailed, it shall be postmarked on or before the due date.
- (57) Duplicate (Continued)
- f. (Continued)
- (6) Formal Hearing - (a) An administrative review hearing conducted by an Administrative Law Judge to review a Report of Findings of an informal level hearing officer and group home program audit findings disputed by the group home provider in a Statement of Disputed Audit Findings not otherwise resolved at an informal hearing; or (b) An administrative review hearing to review the contention of a group home provider or foster family agency that does not concur with a rate setting protest decision letter pursuant to Sections 11-407.4 through 11-407.74.
- (57) Foster Family Agency shall be defined in accordance with Section 45-101.1. (Continued)
- (78) Frozen Rate (Continued)
- (89) Full-time Equivalent (Continued)

i. (Continued)

- (2) Informal Conference / a proceeding conducted in person or by telephone for the purpose of clarifying or resolving issues/ Informal Hearing - An administrative review hearing conducted by a hearing officer to examine group home program audit findings disputed by the group home provider in a Statement of Disputed Audit Findings pursuant to Sections 11-407.12 through 11-407.146. (Continued)

l. (Continued)

- (5) Lien - A certificate lien established pursuant to Section 11466.33 of the Welfare and Institutions Code or any judgement lien created under Part 2, Title 9, Division 2, Chapter 2 (commencing with Section 690.010) of the California Code of Civil Procedure. If an amount is due and payable to the Department as a result of a sustained overpayment, the Department may file a certificate lien with a county clerk and bring an action in superior court to seek a judgement lien.

- m. (1) Mandatory Repayment Schedule - Shall be defined in accordance with Section 11466.22(d)(4) of the Welfare and Institutions Code.

HANDBOOK BEGINS HERE

Welfare and Institutions Code Section 11466.22(d)(4) states:

"The department shall establish an involuntary overpayment collection procedure, that shall take into account the amount of the overpayment, projected annual income, a minimum required repayment amount, including principal and interest, of 5 percent of the annual income prorated on a monthly basis, simple interest on the overpayment amount based on the Surplus Money Investment Fund, and a maximum repayment period of seven years. The department may establish regulations permitting the director at his or her discretion to renegotiate the involuntary payment agreement if the director determines that the agreement would cause severe harm to children in placement."

HANDBOOK ENDS HERE

(12) Mental Health Clinical Hour (Continued)

(13) Mental Health Treatment Services (Continued)

- o. (1) Offset Procedure - A payment to a group home program from government sources other than the AFDC-FC program and restricted donations from public and private sources specified to fund an allowable cost.

(12) On-going Training (Continued)

- (3) Overpayment - A group home provider overpayment in the AFDC-FC program is either an overpayment defined in accordance with Section 11466.22(d)(2) of the Welfare and Institutions Code or a self-reported overpayment in accordance with Section 11466.22(d)(1) of the Welfare and Institutions Code in a rate application by a group home provider that is established for an audit period when a group home provider receives foster care maintenance payments to which it is not entitled.

HANDBOOK BEGINS HERE

Welfare and Institutions Code Section 11466.22(d)(1) states the following:

"(1) Overpayments shall be determined by either a group home provider audit or a group home provider self-reporting an overpayment."

Welfare and Institutions Code Section 11466.22(d)(2) provides the following definition of the term "sustained overpayment" after an audit has identified an overpayment:

"(2) If an informal hearing is not requested, or on the 60th day after an informal decision if a provider or the department does not file a notice of intent to file a formal appeal, or on the 30th day following a formal appeal hearing decision, whichever is latest, a group home provider overpayment shall be sustained for collection purposes and the department shall issue a demand letter for repayment of the sustained overpayment."

HANDBOOK ENDS HERE

p. (Continued)

- (9) Provider - A group home provider is a licensee of one or more group homes, as defined in Section 11466.22(b) of the Welfare and Institutions Code, that receives foster care maintenance payments under the AFDC-FC program.

HANDBOOK BEGINS HERE

Section 11466.22(b) of the Welfare and Institutions Code Section provides the following definition of the term "provider":

"(b) For the purposes of this section, a group home provider is a licensee of one or more group homes, as defined in subdivision (h) of Section 11400, receiving foster care maintenance payments under the AFDC-FC program. The department may collect a sustained overpayment from the party responsible for the sustained overpayment, regardless of whether the party remains in the business of providing group home programs, and regardless of whether the party remains licensed by the department." (Continued)

HANDBOOK ENDS HERE

- r. (1) Rate Application - An application which consists of a Group Home Program Rate Application (SR 1, Rev. 10/91), Program Classification Report (SR 2, Rev. 11/92), Group Home Program Cost Report (SR 3, Rev. 12/92), Group Home Program Payroll & Fringe Benefit Report (SR 4, Rev. 12/92), Group Home Program Days of Care Schedule (SR 5, Rev. 12/92) and a training plan for the purpose of setting a rate from the following types of group home providers:

- (A) A new group home provider rate application for a new program;
- (B) An existing group home provider annual rate application, new program rate application, or program change rate application; or
- (C) An application for a program reinstatement after a program's rate has been terminated.

(12) Rate Classification Level (RCL) (Continued)

- (3) RCL Reduction - An involuntary collection procedure for recovering a sustained overpayment or a self-reported overpayment in a rate application from a group home provider who does not enter into a repayment agreement with the Department or a group home provider who has three outstanding payments on a repayment agreement prior to the sustained overpayment being repaid.
- (4) Reasonableness Adjustment - Adjustments made to costs reported by a group home provider which are based on reasonableness limits for salary, shelter, and vehicle costs.
- (5) Repayment Agreement - Shall be defined in accordance with Section 11466.22(d)(3) of the Welfare and Institutions Code.

HANDBOOK BEGINS HERE

Welfare and Institutions Code Section 11466.22(d)(3) states the following:

"The department shall establish a voluntary repayment agreement procedure with a maximum repayment period of nine years. The procedure shall take into account the amount of the overpayment, projected annual income, of the program that caused the overpayment, a minimum repayment amount, including principal and interest, of 3 percent of annual income prorated on a monthly basis, simple interest for the first seven years of the voluntary repayment agreement on the overpayment amount based on the Surplus Money Investment Fund, and simple interest for the eighth and ninth years of the voluntary repayment agreement based on the prime rate at that time plus 3 percent. The department may adopt regulations permitting the director, at his or her discretion, to renegotiate the volunteer repayment agreement if the director determines that the agreement would cause severe harm to children in placement."

HANDBOOK ENDS HERE

(26) Residential Child Care Experience (Continued)

s. (Continued)

- (2) Settlement Conference - A meeting between representatives of the Department and the group home provider to resolve a pending administrative appeal of a disputed audit finding which has reached the formal hearing level. If the parties and the Administrative Law Judge agree, a settlement conference may be held by telephone.

- (23) Social Work Activities (Continued)
- (24) Social Worker (Continued)
- (25) Specialized Care Increment (Continued)
- (26) Specialized Care Rate (Continued)
- (27) Specialized Care System (Continued)

- t. (1) Training Log - A compilation of documentation necessary to verify the on-going training that was provided to child care workers and first-line supervisors. Documentation for each training session shall include the date of training; location of training; title and a short paragraph about the subject of training; names and signatures of staff attending for training provided onsite by a group home provider or independent third-party verification for training that is provided offsite and their classifications; hours of training; name of ~~individual~~ trainer(s) and their qualifications; documentation showing provider paid any costs for training, including employee wages and benefits; listing of the materials distributed and used by the trainer; and type of training, i.e., in-person, video, onsite, offsite.
- (2) Training Plan - A prospective fiscal year summary of on-going training to be provided for child care workers and first-line supervisors which shall include at a minimum, a projection of the total staff hours of training, the general subject matter of the anticipated training and any information within the categories listed under "training log" that are known to the provider at the time of application. A group home program's training plan must be submitted to the Department as part of the rate application process. Staff meetings that do not meet the definition of Section 11-400o.(2) shall not be considered training.
(Continued)

Authority Cited: Sections 10553, 10554, 11462(i) and (j), and 11466.1, Welfare and Institutions Code and Chapter 1294, Statutes of 1989, Section 23.

Reference: Section 1502(a)(1), Health and Safety Code, Section 3353 of the California Labor Code, Sections 10852, 11226, 11228, 11230, 11231, 11232, 11233, 11234, 11235, 11236, 11400(h), 11460, 11462, 11462.03, 11466.1, 11466.2, 11466.22, 11466.3, 11466.31, 11466.33, 11466.34, 11468, 11468.6, and 18350, Welfare and Institutions Code, The Classification of Group Home Program Under the Standardized Schedule of Rate System Report, August 30, 1989, and Title 8, California Code of Regulations, Section 11050, Industrial Welfare Commission Order 5-89.

*Assembly Bill 2129, Chapter 1089, Statutes of 1993,
Senate Bill 415, Chapter 950, Statutes of 1993;*

Amend Section 11-402 to read:

11-402 GROUP HOME RATE SETTING (Continued)

11-402

.2 Program Classification

.21 Eligible Hours for Program Components

.211 Child Care and Supervision (CCS)

- (a) Eligible hours of CCS shall be determined by counting paid-awake hours of child care workers and first-line supervisors while performing child care duties. (Continued)
- (3) No more than 54 hours per week per child care worker and first-line supervisor per ~~provider~~ program shall be projected on the Program Classification Report, SR 2 (Rev. 3/9011/92) Column 2, line 16.
- (4) More than 54 hours per week per child care worker and first-line supervisor per ~~provider~~ program may be reported on the SR 2 (Rev. 3/9011/92) Column 2, lines 1 through 12 when: (Continued)

.212 Social Work Activities

- (a) Eligible hours of social work activities shall be determined by counting the paid-awake hours of social work activities performed by social workers. (Continued)
- (2) No more than 54 hours a week per social worker per ~~provider~~ program shall be projected on the SR 2 (Rev. 3/9011/92) Column 2, line 16. (Continued)
- (3) More than 54 hours a week per social worker per ~~provider~~ program may be reported on the SR 2 (Rev. 3/9011/92) Column 5, lines 1 through 12 when: (Continued)
- (5) A group home employee functioning as an existing social worker shall be considered a social worker and have his/her hours counted as social work activities if: (Continued)
- (B) The employee does not meet the degrees and equivalents as defined in Section 11-400s. (24). (Continued)

.22 Weightings for Program Component Hours

.221 Child Care Supervision (CCS) Weightings (Continued)

(c) Residential Child Care Experience

- (1) Each child care worker and first-line supervisor shall receive additional weighting for previous paid-awake experience in residential child care specified in Section 11-400r.(76) as follows. (Continued)

(e) On-Going Training

- (1) Each eligible hour of CCS shall receive an additional weighting of 0.10 when an average of 40 or more hours of on-going training per person (full-time equivalent [FTE]) per year is provided. See definition of on-going training at Section 11-400o.(72). (Continued)

.23 Point Computation (Continued)

- .234 Providers shall report the actual number of mental health treatment services points per child, per month, for each program on an SR 2 (Rev. 11/902). (Continued)

.3 Group Home Annual Rate Application Process

- .31 Each provider shall submit to the Department a completed rate application as specified in Sections 11-402.35 through 11-402.356 for each program each fiscal year in order to receive a rate for that program.

- .32 The due date for Annual rate applications shall be ~~postmarked on or before~~ May 1. (Continued)

- .35 An annual rate application with no program changes shall include:

- .351 A complete Group Home Program Rate Application, SR 1 (Rev. 2/9010/91);

- .352 A complete Program Classification Report, SR 2 (Rev. 3/9011/92); (Continued)

- .356 The group home ~~on-going~~ training plan projected for a fiscal year; and (Continued)

- .36 The following cost-related information shall be provided with the rate application package. All penalties listed for late or incomplete application shall apply to these documents as specified in Section 11-402.38.

- .361 A complete Group Home Program Cost Report, SR 3 (Rev. 3/9012/92);

- .362 A complete Group Home Program Payroll and Fringe Benefit Report, SR 4 (Rev. 1/9012/92) and
- .363 A complete Group Home Program Days of Care Schedule, SR 5 (Rev. 1/9012/92).
- .37 The Department's good cause procedures shall be as follows:
- .371 Providers unable to submit a timely or complete rate application by May 1 the due date shall be allowed to submit in writing, a request for a determination of good cause as defined in Section 11-400g.(1) which shall be postmarked within five calendar days of the application due date. (Continued)
- .38 The Department's penalty procedures for late or incomplete applications shall be as follows:
- .381 For a late application:
- (a) Submitted after May 1 the due date and before June 1, the rate shall be effective August 1 unless: (Continued)
- .382 For an incomplete application which is later completed:
- (a) After May 1 the due date but before June 1, the effective date of the rate shall be the same as for a late application in Sections .381(a) and (a)(1). (Continued)
- .383 For an incomplete application that remains incomplete after July 1: (Continued)
- (c) Notwithstanding Section 11-402.383(a) and (b), any program that refuses to comply with the requirement to submit a complete rate application in accordance with Sections 11-402.35 and 11-402.36 shall have its rate terminated as specified in Section 11-402.39.
- .39 The Department's rate termination process shall be as follows:
- .391 The Department shall provide notice to the provider of the rate termination date. The notice shall: (Continued)
- (c) Include the provider's appeal rights as specified in Welfare and Institutions Code Sections 11468/2 through 11468.6. (Continued)

.4 Deviations from Annual Rate Setting

.41 New Program

.411 An initial rate application from an existing provider for a new program shall include all required forms and information listed in Sections 11-402.351 through 11-402.356 with the following additional requirements:

- (a) A new and complete program statement shall be submitted with each initial rate application. The program statement shall include the following until such time as a standardized program statement is implemented pursuant to Welfare and Institutions Code Section 11467(4c); (Continued)
- (b) Providers who are discontinuing any group home program(s) in favor of a new program shall submit the cost information on forms SR 3 (Rev. 7/9012/92), SR 4 (Rev. 7/9012/92) and SR 5 (Rev. 7/9012/92) using the actual costs for any months of operation of the discontinued program not previously reported as part of the annual rate application process. (Continued)

.42 New Provider (Continued)

.422 An initial rate application from a new provider shall include all required forms and information listed in Sections 11-402.351 through 11-402.356 with the following additional requirements: (Continued)

- (b) The cost information forms SR 3 (Rev. 7/9012/92), SR 4 (Rev. 7/9012/92) and SR 5 (Rev. 7/9012/92) shall be completed identifying projected costs. (Continued)

.43 Program Changes

.431 A program change shall be as defined in Section 11-400p.(7). (Continued)

- (c) The Department shall determine the correct RCL for a group home program based on data submitted by the provider in the program change application specified in Section .432. The Department may request additional information to complete the program change application process in accordance with Sections 11-402.524(b)(1) through (3). (Continued)

.432 An application for an RCL change or a program change shall include:

- (a) A complete Group Home Program Rate Application, (SR 1, Rev. 7/9010/91).

(b) A complete Program Classification Report, (SR 2, Rev. 3/9011/92). (Continued)

(d) Providers making program changes affecting more than one program, that is, discontinuing one program in favor of another as described in Section 11-402.435(c)(1) or otherwise discontinuing a program, shall submit the cost information forms [SR 3 (Rev. 3/9012/92), SR 4 (Rev. 1/9012/92), and SR 5 (Rev. 1/9012/92)] using actual costs for the program to be discontinued based on the months not previously reported as part of the annual rate application process. (Continued)

.435 The effective date of the rate for program changes, by the type of change, shall be: (Continued)

(b) For the RCL which is changing: (Continued)

(2) For an increase in RCL, the effective date shall be the later of the provider's proposed effective date on the Group Home Program Rate Application, SR 1 (Rev. 2/9010/91) submitted for the program change or 30 days after the postmark on the program change application. (Continued)

(c) For changes affecting more than one program operated by one or different providers, the effective date shall be the later of the provider's proposed effective date on the SR 1 (Rev. 2/9010/91) form(s) or 30 days after the postmark on the program change application(s). (Continued)

.44 Programs Which Fail to Maintain the RCL

.441 A group home provider who self-reports information in a rate application as defined in Section 11-400r.(1) that results in a failure to maintain its RCL shall be subject to Section 11-402.443.

.4412 (Continued)

.4413 The Department shall verify the self-reported information submitted in accordance with Section 11-402.441 by a group home provider that the program has failed to maintain the RCL as defined in Section 11-400f.(1) and set a new rate based on the new information provided.

.4414 (Continued)

.4415 (Continued)

.45 Program Reinstatement (Continued)

.453 The rate shall be set, based on the RCL for the fiscal year, at the lesser of: (Continued)

(b) The new floor rate as determined by the Department of the RCL in which the program is reinstated.

.5 Program Audits

.51 The Department shall conduct full or partial program or fiscal audits of any program, as often as necessary, to ensure compliance with all requirements within this section. The Department shall audit the documents submitted with the rate application request and the actual program projected in the rate application and any supporting documentation used to prepare the rate application. The scope of a program audit shall focus on the hours and weightings of workers in each of the three program components and Direct Contact Contracts. Audits shall be conducted at the group home site, within the Foster Care Rates Bureau (FCRB) office or other sites as determined appropriate by the FCRB. The Department shall provide the group home program 30 calendar days written notice prior to conducting a program or fiscal audit.

.511 The Department ~~shall~~ may conduct a program audit earlier than the normal schedule at a provider's request in order to reduce or minimize an overpayment. (Continued)

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.513 Beginning January 1, 1994, unless otherwise specified in law, a program audit will follow the field work standards contained in the "Field Work Standards for Performance Audits" section of "Government Auditing Standards" by the Comptroller General of the United States, United States General Accounting Office.

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(Rev. 1988)

(Rev. 1988) .514 Noncompliance by the Department with the "Field Work Standards for Performance Audits" section of the "Government Auditing Standards" by the Comptroller General of the United States, United States General Accounting Office, shall not preclude or bar the Department from sustaining or collecting actual overpayments, or otherwise invalidate an audit report.

.52 Providers shall maintain program records for a minimum of five years and make them easily accessible to any Departmental staff conducting program audits. Program records to be maintained include, but are not limited to the following:

.521 Personnel records, which may include, but are not limited to:

(a) Current licenses; diplomas/certificates; copies of official transcripts if major shown on diploma is other than those listed as an equivalent for the appropriate program

component; or diploma is from a non-accredited school; dated, original applications for employment and/or resumes; time sheets; salary schedules showing hours and amount paid; employee benefits; contracts; training and development documents; job descriptions (including position title and classification, duties and responsibilities); ~~and~~ group home organization charts; payroll register; DE 3DP Quarterly Contributions Return; IRS form #1099-Miscellaneous Income; copies of cancelled checks (front and back) and any other records that document proof of payment; and documented verification or phone verification with supporting documentation of qualified previous employment as a residential child care worker. Employment verification for previous residential child care worker experience shall show name of previous employer, phone number of previous employer, whether employee was full-time or part-time, paid or volunteer, beginning and ending dates of employment, and job description(s) (including position and title and classification, duties and responsibilities).

.522 Case management records, which may include, but are not limited to:

- (a) Treatment plan; psychological evaluations/reports; medical evaluations/releases; mental health professional billings including Medi-Cal billings; education evaluations/information; correspondence; dictation and documentation of services provided; court orders; quarterly reports/program reports; information required by licensing regulations under Title 22; verification from the placement agency required in Section 11-402.411(a)(7); ~~and~~ all RCL significant information pertaining to a client shall be included in the client's record; and mental health professional's daily logs and notes which verify that services were provided to children in placement.

.523 Training program records which document all the information in the training log such as:

- (a) The date(s) of training; hours of duration of each training session; certification of completion; name of trainer; qualifications and certification of the trainer; documentation showing provider paid any costs for training, including employee wages and benefits; title and a short paragraph about the subject of the training and a list of attendees with their original signatures on a sign-in sheet for training provided onsite by a group home provider or independent third-party verification for training that is provided offsite; and any information as outlined in Sections 11-400t.(1) and (2).

.524 A group home provider shall provide or allow the Department access to group home program records needed to establish a rate pursuant to a rate application, conduct a fiscal or program audit, evaluate cost data reported by group home providers, or enable the Department to collect an overpayment.

(a) A group home provider, submitting an annual rate application, requesting a rate that will be effective for the next fiscal year, shall be subject to the requirements of Sections 11-402.31 through .39.

(b) An existing group home provider submitting a rate application for a new program or program change or new group home provider submitting a rate application for a new program shall submit a completed rate application in accordance with Section 11-402.4.

(1) If the Department determines that a rate application is incomplete, the group home provider shall be allowed to submit additional information to complete the rate application. The due date for the additional information shall be 30 days from the postmark date of the Department's additional request for information.

(2) The effective date of the rate for a group home provider who initially submits an incomplete rate application shall be the postmark date or the date the additional information is hand-delivered to the Department but not earlier than the effective date specified in Section 11-402.4.

(3) A group home provider who does not submit the additional information requested by the Department shall not be eligible to have a rate established for the group home program for which the rate application was submitted.

.525 A group home provider shall provide or allow the Department access to group home program records needed to conduct either a fiscal audit in accordance with Sections 11-402.7 and 11-402.8 or a program audit in accordance with Section 11-402.5 or evaluate reported cost data from group home providers.

(a) The Department shall provide written notice to a group home provider prior to conducting either a fiscal or program audit in accordance with Section 11-402.51.

(b) A group home provider who does not provide the Department with access to group home program records for either a fiscal or program audit shall have its rate terminated pursuant to Section 11-402.39.

- .526 A group home provider shall provide or allow the Department immediate access to group home program records or facilities under Section 11466.1(a)(3) of the Welfare and Institutions Code.

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Welfare and Institutions Code Section 11466.1(a)(3) states the following:

"(3) Group home providers shall allow the department immediate access to group home program information or access to a facility if the deputy director of the children and family services division of the department serves the group home provider with notice that, in the opinion of the deputy director, the immediate access to a facility or group home program information is required based on one of the following conditions or circumstances:

- (A) A temporary suspension order has been served on a group home provider.
- (B) Based on reliable evidence, the department has a valid basis for believing that proceedings have been, or will shortly be, instituted against a group home provider in a state or federal court for purposes of determining whether the provider is insolvent or bankrupt under appropriate state or federal law.
- (C) A group home provider is, or will shortly be taking, action that might reasonably hinder or defeat the department's ability to collect overpayments in the future."

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- (a) A group home provider who does not provide immediate access to the Department under Section 11-402.526 shall have its rate terminated.
 - (1) The Department shall provide written notice to the group home provider of the rate termination date.
 - (2) The effective date of the rate termination shall be 30 days after the postmark date of the rate termination notice.
 - (3) A copy of the termination notice shall be sent to the host county, the primary placing county, and any other counties which may be affected by the rate termination.

.527 A group home provider shall provide or allow access to group home program records needed to collect self-reported or sustained overpayments, which shall include but not be limited to, the following:

(a) Information pertaining to the ownership status of a group home provider's real and personal property, accounts in financial institutions, and any other assets shall be provided to the Department within 30 days of the postmark date of the Department's request.

(b) The information which shall be provided to the Department within 30 days, includes, but is not limited, to, the following:

(1) The taxpayer identification number of the nonprofit corporation and the date of birth, social security number, and driver license number for any individual or member of a partnership owing an overpayment.

(2) The location and address of any real or personal property owned by the nonprofit corporation.

(3) A copy of the property deed for any property owned by a nonprofit corporation, individual, or member in a partnership owing an overpayment.

(4) Information concerning fictitious business names utilized by the corporation.

(c) A completed Group Home Program Days of Care Schedule - SR 5 (Rev. 12/92) shall be submitted on a monthly basis.

(d) A group home provider who does not provide the Department with the requested information shall have its rate terminated. In such cases, the following requirements shall be met prior to the termination of a group home program rate:

(1) The Department shall provide written notice to the group home provider of the rate termination date.

(2) The effective date of the rate termination shall be 60 days after the postmark date of the rate termination notice.

(3) The Department shall provide a copy of the termination notice to the host county and the primary placing county.

.53 Conducting Program Audits

.531 Program audits of on-going programs with no program changes during the audit period shall be conducted by reviewing the provider's report of the actual RCL and program information for the audit period. (Continued)

(b) The Department shall:

(1) Select and review for accuracy no fewer than two months, plus the most current completed month of operation, of reported data for each fiscal year of the audit period. (Continued)

.532 Program audits of new programs and program changes ~~shall~~ may be started no later than the 12th month of operation.

(a) The audit process in Section 11-402.53 shall be used except that:

(1) In the case of program changes and new programs by on-going providers, the audit period shall include a review of the months prior to the program change as well as a review of the months following the program change. The months of each RCL shall be audited separately as a separate audit period. A new audit period shall begin in the month in which the program change or new program is approved by the Department.

(2) In the case of new programs by new providers, the total audit period shall be ~~fewer than 12 months~~ the following:

(A) A group home program of a new group home provider who fails to be at the projected RCL by the 7th month and fails to maintain its RCL through the 12th month of operation, shall be audited for the first 6 months of operation. Each of the first six months shall be subject to review and compared to the projected RCL for the same month. Any remaining months needed to complete a fiscal year shall be included in the audit period. (Continued)

(C) For an audit of a group home program of a new group home provider, the audit period shall include any months after the 12th month of operation which remain in the fiscal year.

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1. Example A: A program audit of a new program from a new group home provider who has a rate effective July 1 shall have included in its audit period 12 months which shall include a full fiscal year for the period July 1 through June 30.
2. Example B: A program audit of a new program from a new group home provider who has a rate effective August 1 shall have included in its audit period 23 months which shall include any months after the 12th month of operation which remain in a fiscal year (i.e., August 1, 1990 through July 31, 1991 [12 months] plus August 1, 1991 through June 30, 1992 [11 months]).
3. Example C: A program audit of a new program from a new group home provider who has its rate effective June 1 shall have included in its audit period 13 months which shall include any months after the 12th month of operation which remain in a fiscal year (i.e., June 1, 1990 through May 31, 1991 [12 months] plus June 1 through 30 of 1991 [1 month]). (Continued)

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.534 Exit ~~Interview~~ Conference and Notification

- (a) The Department shall conduct an exit ~~interview~~ conference with the provider at the conclusion of the program audit.
- (b) A draft written summary of preliminary findings shall be provided at the exit ~~interview~~ conference. The exit conference shall be subject to the provisions of Section 11-407.111.
- (c) ~~Notification of~~ The audit ~~findings~~ report shall be mailed to the provider within ~~30~~ 45 days after the exit ~~interview~~ conference.

- (1) The ~~notice~~ audit report shall contain specific information concerning the program audit findings; the specified time frames for providers to take corrective action; the procedures for ~~county~~ overpayment collections and the ~~fast hearing process~~ right to administrative review.
- (2) The audit report shall be subject to the provisions of Section 11-407.113.
- (~~3~~) Notification of audit findings shall be mailed to the host and/or primary placing counties 60 days after the postmarked date of the ~~notice~~ audit report required in (c) above.
- (4) Notwithstanding Section 11-402.534(c), if additional information is submitted by the group home provider, the date the audit report is due may be extended.
(Continued)

.55 Corrective Action

.551 The Department shall allow the provider to bring a current program into compliance with the projected RCL within 60 days of the notice of audit findings or within 30 days of the notice of a self-reported overpayment when the recomputed RCL as determined by a program audit or review of a rate application of the same program, is less than the projected RCL. See Sections 11-402.534(c) and 11-402.632.

- (a) After 60 days following the notice of audit findings or 30 days following the notice of a self-reported overpayment the Department shall reduce the RCL and rate to minimize any current overpayment.

.552 Evidence that corrective action has been implemented shall be supported by adequate documentation which includes, but is not limited to, the following:

- (a) A written narrative of all changes made to the group home program which demonstrates the program is operating at the current paid RCL as requested by the group home provider or determined by the Department;
- (b) Copies of timesheets/cards, payroll register, college degrees and/or transcripts, professional licenses, and documentation to support child care experience;
- (c) Program Classification Report - SR 2 (Rev. 11/92);
- (d) Child Care and Supervision Component Program Worksheet - SR 2A (Rev. 4/92);

- (e) Social Work Component Program Worksheet - SR 2B (Rev. 7/91); and
- (f) Mental Health Component Program Worksheet - SR 2C (Rev. 7/91).

.56 Audit Adjustment Process

- .561 The Department shall adjust its audit findings of a group home program audit pursuant to Section 11462(f)(3) of the Welfare and Institutions Code.

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Welfare and Institutions Code Section 11462(f)(3) states the following:

"The department shall not reduce the rate, establish an overpayment, or take other actions pursuant to paragraph (2) for any period that a group home program maintains the level of care and services associated with the RCL for children actually residing in the facility. Determinations of levels of care and services shall be made in the same way as modifications of overpayments are made pursuant to paragraph (2) of subdivision (b) of Section 11466.2."

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- .562 Beginning with fiscal year 1990-91, the Department shall adjust its audit report of a group home program audit conducted pursuant to Sections 11-402.5 and 11-402.6 and adjusted in accordance with Section 11-402.561 if all of the following requirements are met:

- (a) The group home program hours of care and supervision provided per child in placement equal or exceed the level of care and services that are projected for the group home program's RCL;
- (b) The group home program hours for social work activities and mental health treatment services provided to children in placement shall be provided on a proportional per child basis to the amount originally projected in a group home program's annual rate application request, new program application request, program change application request, corrective action application request, or a program reinstatement application request;
- (c) The group home program hours provided for child care and supervision in excess of its proportionate share shall not be substituted for staff hours provided in the areas of social work activities or mental health treatment services; and

(d) The group home program shall provide 24-hour care and supervision in accordance with subsection (a) of Section 84000 of Article 1 of Chapter 5 of Division 6 of Title 22 of the California Code of Regulations.

.563 A group home provider who does not meet the requirements listed in Sections 11-402.561 and 11-402.562 shall not be eligible for an audit adjustment.

.564 A group home provider who does not meet the requirements listed in Sections 11-402.561 and 11-402.562 shall not be eligible to have an overpayment amount lowered from the overpayment amount originally determined by an audit.

.565 A group home program's RCL shall not be adjusted if it meets the requirements listed in Section 11462(f)(4) of the Welfare and Institutions Code.

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Welfare and Institutions Code Section 11462(f)(4) states:

"Beginning July 1, 1994, for group homes paid at rates below the standard rate established by subsection (g), a group home program shall remain at its current RCL if it maintains at least the level of care and services associated with that percentage of points required to be at that RCL that equals the percentage of the standard rate used to establish the group home's rate. In no event, however, shall points per child per month be reduced more than ten points below the minimum required for the current RCL. The RCL for a program shall not increase due to the operation of this paragraph absent any program changes approved by the department pursuant to subdivision (k)."

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.566 A group home program that substantially changes its staffing pattern shall notify all placing counties in accordance with Section 11462(f)(5) of the Welfare and Institutions Code.

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Welfare and Institutions Code Section 11462(f)(5) states:

"A group home program that substantially changes its staffing pattern from that reported in the group home program statement shall provide notification of this change to all counties that have placed children currently in care. This notification shall be provided whether or not the RCL for the program may change as a result of the change in staffing pattern."

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.5~~6~~7 Disagreements

.5~~6~~71 A provider who disagrees with the findings of a program audit and requests a different rate, shall be permitted to ~~file a~~ ~~request~~ request an administrative review of an audit report with the Department within 60 days of the postmarked date of the notice of program audit results, as specified in Welfare and Institutions Code Section 11468.2~~(d)~~6.

(a) The provider's reduced RCL and rate set by the Department shall remain in effect during the ~~request~~ administrative review process.

.6 Overpayments

.61 The Department shall recover all overpayments resulting from a group home provider self-reporting an overpayment or a program or fiscal audit that is sustained in accordance with Section 11466.22(d)(2) of the Welfare and Institutions Code.

.611 The Department shall collect a group home provider overpayment from the licensee or the responsible party for the overpayment in accordance with Section 11466.22(b) of the Welfare and Institutions Code.

.612 The Department shall collect interest on a group home provider overpayment in accordance with Sections 11466.22(d)(3) or (4), Section 11466.22(f), Section 11466.25, and Section 11466.3(b) of the Welfare and Institutions Code.

.613 A group home provider who is successful in its appeal of a collected overpayment shall be reimbursed the collected overpayment plus interest in accordance with Section 11466.22(g) of the Welfare and Institutions Code.

.61~~4~~ (Continued)

.63 Overpayments shall be determined by:

.631 The provider reporting information to the Department related to the annual rate application, new program and RCL changes/. ~~of~~

.632 The group home provider self-reporting an overpayment.

(a) A group home provider who self-reports an overpayment may reconcile the previously submitted information with corrected information which shall be subject to the following:

(1) A group home provider who modifies a self-reported overpayment shall meet the documentation requirements contained in Sections 11-402.3, 11-402.4, 11-402.5, 11-402.7, and 11-402.8.

(2) A group home provider who fails to reconcile in accordance with Section 11-402.632(a)(1) shall be subject to Sections 11-402.3, 11-402.5, and 11-402.6.

(3) A group home provider shall have 30 days from the postmark date of the letter notifying the provider of an overpayment to reconcile self-reported information that identifies the overpayment.

(b) The information submitted by a group home provider which identifies a self-reported overpayment shall be subject to the audit adjustment process contained in Section 11-402.56.

.633 The Department verifying through a fiscal audit that a group home provider expended AFDC-FC program funds inappropriately.

.6374 The Department verifying an actual lower than projected RCL during the rate application process or a program audit.

.64 Overpayment Processing: (Continued)

.643 The amount of overpayment shall be computed by: (Continued)

(b) Subtracting the average in (a) from the lowest point level in the point range of the projected RCL for the audit period to determine the number of points below the projected average RCL. The number of points below the projected average RCL shall be used to determine the overpayment factor as follows:

Number of Points
below projected
average RCL

Overpayment
Factor

(1) 1 - 5

= \$100

(2) 6 - 10

= \$200

(3) 11 - 30

= 100 percent of the difference between the rates in the projected and actual RCLs. The difference shall be determined by subtracting the dollar amount corresponding to the rate floor of the audited RCL for the audit period from the actual paid rate.

(Continued)

- (e) If the actual audited average RCL is more than one RCL below the projected average RCL, the overpayment is computed by adding the difference in the ~~total~~ rates ~~for~~ between the ~~single~~ RCL(s), as computed in accordance with Section 11-402.643(b)(3), plus ~~to~~ the overpayment factor for the partial RCL. (Continued)

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- .644 Example: The actual average RCL is one RCL below the projected average RCL. A provider has a six-bed facility with an average of five actual occupancy. Projected RCL for FY(s) 90-91 and 91-92 is RCL 6, point range 180-209. The following are the actual monthly points generated by the provider:

Months:	J	F	M	A	M	J	J	A	S	O	N	D
	190	170	170	190	170	120	120	190	180	180	180	180

- (a) 2040 pts./12 mos. = 170 total monthly average points for the audit year. The overpayment is: 10 pts. = \$200 X 5 ~~children~~ actual average occupancy X 12 mos. = \$12,000.

Example B: The actual average RCL is more than one RCL below the projected average RCL. A group home provider has a six-bed facility with an average of five actual occupancy. Projected RCL for FY(s) 90-91 and 91-92 is RCL 6, point range 180-209. The following are the actual monthly points generated by the group home provider:

<u>Months:</u>	<u>J</u>	<u>F</u>	<u>M</u>	<u>A</u>	<u>M</u>	<u>J</u>	<u>J</u>	<u>A</u>	<u>S</u>	<u>O</u>	<u>N</u>	<u>D</u>
	145	157	133	151	141	141	151	145	133	157	145	141

1740 points/12 months - 145 (RCL 4) total monthly average points for the audit year. The overpayment is: 35 points = \$352 total overpayment factor X 5 actual average occupancy X 12 months = \$21,120.

Projected RCL Points (180) minus Audited Points (145) equals Points Below RCL (35)

Total RCL Point difference	35
Number of points between each RCL	-30
Remaining number of points below RCL	5

Determination of Overpayment Factor:

Paid RCL (6)	=	\$2,258
Less one full RCL (5)		-2,006
100 percent difference		\$252
Plus remaining overpayment factor [11-402.643(a)]		+100
Total overpayment factor		\$352

Overpayment calculation: \$352 total overpayment factor X 5 actual average occupancy X 12 months = \$21,120 (Continued)

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.66 Overpayment Collection

.661 The Department shall collect group home provider overpayments in the following order of priority:

- (a) A lump sum repayment (see Section 11-402.662).
- (b) A repayment agreement (see Section 11-402.663).
- (c) A mandatory repayment schedule (see Section 11-402.664).
 - (1) A rate request denial (see Section 11-402.667).
 - (2) Rate termination (see Section 11-402.668).

.662 The Department shall allow a group home provider who owes either a self-reported or sustained overpayment to repay the overpayment amount in a lump sum payment.

.663 The Department shall allow a group home provider who owes either a self-reported or sustained overpayment to repay the overpayment amount through a repayment agreement, as defined in Section 11-400r.(5). The repayment agreement shall be entered into within 30 days from the date of a sustained overpayment or 30 days from the postmark date of a letter notifying a group home provider of a self-reported overpayment and shall contain all of the following terms:

- (a) The overpayment amount plus interest in accordance with Section 11-400r.(5) shall be repaid within 9 years from the date the repayment agreement is effective:
 - (1) The overpayment amount shall become due and payable in accordance with Section 11-400o.(3).
 - (2) Interest on the overpayment amount shall become due in accordance with Section 11466.25 of the Welfare and Institutions Code.

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Welfare and Institutions Code Section 11466.25 states the following:

"(a) Interest begins to accrue on a group home provider overpayment at the latest of the following:

- (1) Sixty days after the notice of the final audit report if an informal hearing is not requested.
- (2) Sixty days after the notice of the informal hearing decision if the final audit findings are adjusted and a group home provider or the department does not request a formal appeal.

(3) Thirty days after a formal appeal hearing decision if the final audit findings or the informal hearing decision is adjusted by the hearing officer.

(d) Interest shall not accrue for the period between the date a hearing decision is due and the date that the decision is rendered."

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(b) The repayment agreement shall include the amount of the overpayment plus interest for the audit period during which the specific program incurred the overpayment.

(c) The minimum monthly repayment amount to be used for a repayment period not to exceed 9 years for the overpayment amount including interest shall be 3 percent of the program's monthly income. The interest shall be based on the following:

(1) Simple interest based on Surplus Money Investment Fund for the first seven years.

(2) Simple interest based on the prime rate plus three percent for the eighth and ninth years.

(d) Payments shall be made payable to the California Department of Social Services, or a group home provider may choose to repay the overpayment including interest in accordance with Section 11-402.664.

(e) Monthly payments shall be sent by certified mail, domestic receipt requested, to the following address:

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

744 P Street, M.S. 14-68
Sacramento, California 95814
ATTN: Cashier

(f) The repayment agreement, at a minimum, shall specify the number of months of the agreement, the amount of the monthly payment, and the date the payment is due.

(1) The overpayment plus interest shall be repaid no later than nine years from the date the repayment agreement is effective.

(2) A group home provider may choose one of the following options to ensure that the requirement in Section 11-402.662(f)(1) is met.

(A) A lump sum repayment for any remaining overpayment amount plus interest at the end of the 9 year repayment period.

(B) A monthly repayment amount that is higher than the minimum amount required in Section 11466.22(d)(3) of the Welfare and Institutions Code that will ensure that the overpayment amount plus interest is repaid within 9 years.

(g) The Director may renegotiate a repayment agreement if adhering to the repayment agreement results in severe harm to children in placement and all of the following conditions exist:

(1) A group home provider requests that the Department renegotiate the repayment agreement because it is unable to meet its obligations under the agreement.

(2) A group home provider shall provide to the Department written documentation from an independent financial or accounting agency that certifies the following:

(A) The group home provider is unable to meet its obligation to make monthly payments to repay the overpayment plus interest in order to comply with Section 11-402.663 and also maintain the level of care and services associated with its RCL; and

(B) The group home provider has evaluated existing program operations and has implemented reductions, wherever possible, to current operating expenses, contracts, leases, and salary levels.

(3) A group home provider shall obtain and forward a declaration to the Department, signed by the Director of the host or primary county, that the following conditions exist:

(A) There is no other placement resource that meets the needs of the current children in placement; ~~or~~ and

(B) The transfer from the current program to another program will result in the disruption of successful placements of the current children.

.664 The Department shall apply a mandatory repayment schedule against a group home provider who owes either a self-reported or sustained overpayment if the group home provider does not enter

into a repayment agreement in accordance with Section 11-402.663 or the group home provider has three outstanding payments on a repayment agreement before an overpayment is repaid. The mandatory repayment schedule shall be subject to the following requirements:

- (a) The overpayment amount plus interest in accordance with Section 11-400m.(1) shall be repaid within 7 years from the date the mandatory repayment schedule takes effect.

 - (1) The overpayment amount shall become due and payable in accordance with Section 11-400o.(3).
 - (2) Interest on the overpayment amount shall become due and payable in accordance with Section 11466.25 of the Welfare and Institutions Code.
 - (3) The monthly repayment amount referenced in Section 11466.22(d)(4) of the Welfare and Institutions Code shall be raised to an amount that will ensure that the overpayment plus interest shall be repaid within 7 years of the effective date of the mandatory repayment schedule.
- (b) The mandatory repayment schedule shall recover the overpayment amount plus interest for the audit period during which the specific program incurred the overpayment.
- (c) The minimum monthly repayment amount for the overpayment amount including interest shall be 5 percent of the program's monthly income. The interest shall be based on the following:

 - (1) Simple interest based on the Surplus Money Investment Fund.
- (d) The Department shall collect overpayments under the mandatory repayment schedule by the use of an RCL reduction in accordance with Section 11-400r.(3) against current group home provider rate reimbursement payments under the AFDC-FC program.
- (e) The Department shall issue, to a provider and the counties, a rate letter that indicates the amount of the RCL reduction which will be applied to the monthly overpayment amount including interest and the amount of the actual rate reimbursement to the group home provider during the period the mandatory repayment schedule will be in effect.
- (f) The Department shall provide an annual report regarding the status of departmental collection activities to all counties and group home providers subject to the following:

- (1) Repayment Agreement; and
- (2) Mandatory Repayment Schedule.

.665 A group home provider subject to an mandatory repayment schedule shall be subject to the following requirements:

- (a) In addition to the monthly RCL reduction amount subject to Section 11-402.664, fifty percent of any California Necessities Index (CNI) increases and any adjustments to the Standardized Schedule of Rates in the AFDC-FC program shall be withheld and applied towards a group home provider overpayment until a mandatory repayment schedule recovers any outstanding overpayments.
- (b) Any group home provider subject to a mandatory repayment schedule in accordance with Section 11-402.664, shall be ineligible to receive a program change that results in an RCL increase until the mandatory repayment schedule recovers the overpayment or the host or primary placing county requests a waiver from the Department.
 - (1) The waiver request shall be in writing.
 - (2) The increased rate reimbursement resulting from the RCL increase shall be subject to the requirements in Section 11-402.664.

.666 The Department may file a certificate against the real or personal property of a group home provider in accordance with Section 11466.33 of the Welfare and Institutions Code.

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Welfare and Institutions Code Section 11466.33 states the following:

"(a) If any amount is due and payable to the department as a result of sustained overpayment to a group home provider for care and services in the AFDC-FC program, the department may file, in the office of any county clerk of any county in which the group home provider has real or personal property, a certificate if any of the following conditions are met:

- (1) No informal hearing is requested and if a provider has not submitted a voluntary repayment agreement along with the first payment, and 60 days have elapsed from the notice of audit results.
- (2) No formal appeal is requested and if a provider has not submitted a voluntary repayment agreement along with the first payment, and 60 days have elapsed from the notice of the informal hearing decision.

(3) A provider has not submitted a voluntary repayment agreement along with the first payment, and 30 days have elapsed after an adverse appeal decision by a hearing officer that sustains an overpayment.

(b) The certificate provided for pursuant to subdivision (a) shall contain:

(1) The amount due, owing, and unpaid, plus simple interest on the amount owing and unpaid beginning on the date the certificate is filed.

(2) A statement that the department has complied with this section prior to the filing of the certificate.

(3) A request that a lien be recorded against the group home provider in the amount set forth in the certificate.

(c) The county clerk immediately upon the filing of the certificate shall record the lien for the State of California against the group home provider in the amount set forth in the certificate. The lien may be filed in the chain of title of the property.

(d) The department shall pay the cost of the first lien, and group home providers shall be responsible for any subsequent liens on a sustained overpayment.

(e) For the first certificate filed by the department pursuant to this section, the county shall waive all filing fees."

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(a) The Department may establish a judgment lien in accordance with Section 11466.34 of the Welfare and Institutions Code.

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Welfare and Institutions Code Section 11466.34 states the following:

"(a)(1) At any time within 10 years of the recording of a lien pursuant to Section 11466.33, the department may bring an action, in a superior court in the county in which the lien is filed, seeking a judgment to establish the lien as a judgment lien.

(2) If a judgment is obtained pursuant to paragraph (1); the county recorder shall record the lien as a judgment lien.

(b) An abstract of judgment obtained pursuant to subsection (a) or a copy thereof may be recorded with the county recorder of any county. From the time of recording, the judgment shall constitute a lien upon all real or personal property of the group

home provider in that county owned by the group home provider at the time, or that the group home provider may afterwards, but before the lien expires, acquire. The judgment lien shall continue for 10 years from the time of recording of the abstract of judgment obtained pursuant to subsection (a), unless sooner released or otherwise discharged.

(c) The judgment lien may, within 10 years from the date of recording of the abstract of judgment or within 10 years from the date of the last extension of the lien in the manner provided in this section, be extended by recording a new abstract in the office of the county recorder of any county. From the date of that recording, the lien shall be extended for 10 years, unless sooner released or otherwise discharged."

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(b) The Department may release a lien on a group home provider's property in accordance with Section 11466.34(d) of the Welfare and Institutions Code.

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Welfare and Institutions Code Section 11466.34(d) states the following:

"(d) The department may release any lien imposed pursuant to this chapter, at the provider's cost, in which case any judgment pertaining to that lien is for all purposes null and void, if all the following conditions are met:

(1) No temporary suspension order or license revocation actions by the department's community care licensing division is pending against a provider.

(2) A provider has made at least three timely payments on a repayment agreement.

(3) The provider submits to the department corroborative evidence that it is unable to obtain a loan from an institutional lender unless the lien is released."

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(1) Prior to the Department releasing a lien under this subsection, the group home provider shall forward to the Department a check made payable to the California Department of Social Services for the appropriate county filing fee, if applicable, through certified mail, domestic receipt requested, to the following address:

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES
744 P Street, M.S. 14-68
Sacramento, California 95814
ATTN: Cashier

- (2) The corroborative documentation in accordance with Section 11-402.666(b) shall be in writing.

.667 Any group home provider who has its rate terminated and has any outstanding self-reported or sustained overpayments shall be ineligible to receive a rate for any group home program until all overpayments are repaid.

- (a) Annual rate applications shall not be approved for any group home provider under either of the following circumstances:

(1) A group home provider owing either a self-reported or sustained overpayment and incurring a second overpayment shall not be eligible to receive a rate until the overpayments are repaid.

(2) Any group home provider incurring a self-reported or sustained overpayment that constitutes more than 60 percent of the group home provider's annual rate reimbursements shall not be eligible to receive a rate until the overpayment is repaid.

- (b) Notwithstanding Section 11-402.667(a), a group home provider with an approved repayment agreement shall be eligible for a rate for either an existing or future group home program.

.668 The Department shall terminate a group home program's rate for a self-reported or sustained overpayment in accordance with Section 11466.36(a) of the Welfare and Institutions Code.

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Welfare and Institutions Code Section 11466.36(a) states the following:

"(a) The department may terminate a group home rate if any of the following conditions are met:

(1) The director determines that, based upon the findings of a hearing officer, a rate application or information submitted by a provider was fraudulently submitted to the department.

(2) A provider with an outstanding sustained overpayment incurs a second sustained overpayment, and is unable to repay the sustained overpayments.

(3) A provider has a sustained overpayment that represents 100 percent of a provider's annual rate reimbursement."

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.669 A group home provider that has a rate terminated under Section 11-402.668 shall have the rate terminated in accordance with Section 11-402.39.

.7 Fiscal Audits

.71 Group home fiscal audits shall be performed by the Department, its agents, or by an audit agency of the federal government. (Continued)

.712 A group home program shall maintain, at a minimum, the following documentation to support AFDC-FC program expenditures for a period of not less than five years:

(a) Copies of all contracts and leases, time sheets/time studies, cancelled checks, payroll register/salary schedule, payroll taxes, DE 3DP Quarterly Contributions Return, IRS Form #1099-Miscellaneous Income, and cash receipts.

(b) Children's case files, and daily logs and notes of staff performing social work and mental health activities which verify that activities/services were provided to children in placement.

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.713 Beginning January 1, 1994, unless otherwise specified in law, a fiscal audit will follow the field audit standards contained in the "Field Work Standards for Financial Audits" section of "Government Auditing Standards" by the Comptroller General of the United States, United States General Accounting Office.

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(Rev. 1988)

.714 Noncompliance with the "Field Work Standards for Financial Audits" section of "Government Auditing Standards" by the Comptroller General of the United States, United States General Accounting Office, shall not preclude or bar the Department from sustaining or collecting actual overpayments, or otherwise invalidate an audit report. (Continued)

.74 A provider shall be responsible for making available all requested records and documents as referenced in Sections 11-402.72 and .73 during fiscal audits.

.741 A provider's refusal to cooperate with the Department by not providing the requested records, ~~and~~ documents, or allowing immediate access to the requested documents, records or facilities shall result in rate termination as specified in Sections 11-402.39524, 11-402.525, and 11-402.526.

.8 Cost Reporting

.81 Providers shall report the actual allowable and reasonable costs for each program to the Department on the Form SR 3 (Rev. 1/9012/92), SR 4 (Rev. 1/9012/92) and SR 5 (Rev. 1/9012/92) for the 12 months of the immediately preceding calendar year beginning January 1 and ending December 31 except: (Continued)

.82 Allowable Costs

Reported costs shall be actual allowable and reasonable as defined in federal statutes and regulations including 45 CFR, Part 74 and 45 CFR, Part 1356 in addition to other costs listed in .822 and .823. (Continued)

.827 Cost Components. The nine cost group definitions are as follows: (Continued)

(b) Social Work Activity. All costs related to the direct social work services described in Sections 11-400s.(13) and 11-402.212, including but not limited to, payroll, payroll taxes, employee benefits, and contract costs, if a social worker is under contract. (Continued)

Authority Cited: Sections 10553, 10554, 11462(j), 11466.1, and 11466.2, Welfare and Institutions Code and Chapter 1294, Statutes of 1989, Section 23.

Reference: Sections 10852, 11460, 11462, 11462(a)(2) and (a)(3), 11462(i)(1)(B), 11462.03, 11466.1, 11466.2, 11466.3, 11466.4, 11466.22, 11466.25, 11466.31, 11466.32, 11466.33, 11466.34, 11466.35, 11466.36, 11467, 11468 through 11468.6 and 18350, Welfare and Institutions Code, and The Classification of Group Home Programs Under the Standardized Schedule of Rate System Report, August 30, 1989.

(; Assembly Bill 2129, Chapter 1089, Statutes of 1993,
Senate Bill 415, Chapter 950, Statutes of 1993;

Amend Section 11-407 to read:

11-407 AFDC-FOSTER CARE ADMINISTRATIVE REVIEW PROCEDURES

11-407

.1 Administrative Review of Departmental Audits for Group Home Programs and Foster Family Agencies.

.11 Exit Conference and Audit Report

.111 Prior to the issuance of an audit report by the Department, a group home provider/foster family agency shall be afforded the opportunity to participate in an exit conference. The purpose of the exit conference is to:

(a) Inform the group home provider/foster family agency of the preliminary audit findings and to review any specific situations in which the records reviewed by the Department were not found to substantiate the RCL level or rate paid to the group home provider/foster family agency.

(b) Allow the group home provider/foster family agency an opportunity to identify and present any specific records relevant to the audit findings but not reviewed by the Department.

.112 At the conclusion of the exit conference, the Department shall provide the group home provider/foster family agency with a copy of the preliminary draft audit findings. The Department shall notify the group home provider/foster family agency that the Department will issue an audit report within 45 days after the exit conference and shall inform the group home provider/foster family agency of the administrative review procedure relative to audit findings. Within 15 calendar days of the exit conference, the group home provider/foster family agency shall submit to the Department any records which were identified by the group home provider/foster family agency at the exit conference as relevant to the audit findings but were not available for review by the Department at that time.

.113 An audit report issued by the Department shall include the following:

(a) A complete listing of audit findings, including all items to which an exception has been taken, the RCL point or other value of each audit finding, and the authority cited for each audit finding.

(b) Notice of the group home provider/foster family agency's right to an administrative review of certain audit findings contained in the audit report.

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.114 Beginning January 1, 1994, unless otherwise specified in law, an audit report for a program audit will follow the reporting standards contained in the "Reporting Standards for Performance Audits" section of "Government Auditing Standards" by the Comptroller General of the United States, United States General Accounting Office.

(Rev. 1988)

.115 Beginning January 1, 1994, unless otherwise specified in law, an audit report for a fiscal audit will follow the reporting standards contained in the "Reporting Standards for Financial Audits" section of "Government Auditing Standards" by the Comptroller General of the United States, United States General Accounting Office.

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.116 Noncompliance by the Department with the "Reporting Standards for Performance Audits" and "Reporting Standards for Financial Audits" sections of "Government Auditing Standards" by the Comptroller General of the United States, United States General Accounting Office, shall not preclude or bar the Department from sustaining or collecting actual overpayments, or otherwise invalidate an audit report.

.12 Statement of Disputed Audit Findings

.121 A group home provider/foster family agency may request an administrative review of an audit report to examine any disputed audit finding which results in an adjustment to the group home provider/foster family agency's rate for a previous audit period or that reduces the group home provider/foster family agency's overall RCL point total for a previous audit period by submitting a written request ("Statement of Disputed Audit Findings") to the Department, as follows:

(a) A Statement of Disputed Audit Findings shall be filed with the Department within 60 calendar days of the receipt of the audit report.

(b) The Statement of Disputed Audit Findings may be amended by the group home provider/foster family agency at any time during the 60 calendar day period.

.122 If a Statement of Disputed Audit Findings is not filed with the Department within the 60 calendar day period, the audit report will be deemed final unless the following requirements are met:

(a) A group home provider/foster family agency files a request for a good cause determination under Section 11-402.371 on or before the 50th calendar day period following the receipt of the audit report.

(b) The Department ~~shall~~ makes a good cause determination in accordance with Section 11-402.372.

- .123 The Statement of Disputed Audit Findings shall be in writing, signed by the group home provider/foster family agency, and shall state the name, address and telephone number of the group home provider/foster family agency and of the agent, if any agent has been designated, and the date of signing of the Statement. A group home provider/foster family agency shall specify the name and address of the individual authorized on behalf of the group home provider/foster family agency to receive documents from the hearing officer or Administrative Law Judge, including the final decision of the Director, relating to the administrative review.
- .124 The Statement of Disputed Audit Findings shall be specific as to each audit finding in dispute, setting forth the group home provider/foster family agency's contention as to each disputed audit finding, the authority for each contention and the estimated amount or RCL point value for each disputed audit finding. The group home provider/foster family agency or the agent shall submit all supporting documentation relevant to the administrative review which may include the records maintained pursuant to Sections 11-402.521 through 11-402.523, payroll files and any other supporting documentation.
- .125 A Statement of Disputed Audit Findings shall only address specific audit findings contained in the audit report. Other issues, including but not limited to the authority of the Department to set rates, determine RCL points, conduct audits or collect overpayments, shall not be included in the Statement of Disputed Audit Findings for purposes of resolution in the administrative review.
- .126 If an informal hearing officer determines that a Statement of Disputed Audit Findings is not specific as to each audit finding in dispute, or that necessary supporting documentation is not included with the Statement of Disputed Audit Findings, the hearing officer shall notify the group home provider/foster family agency or the agent of the group home provider/foster family agency of the insufficiency. The group home provider/foster family agency or the agent shall be granted 30 calendar days after the date of the mailing of the notice of insufficiency within which to file an amended Statement of Disputed Audit Findings or supply the necessary supporting documentation. If within the time permitted the group home provider/foster family agency or the agent fails to correct the insufficiency by amending or supplementing the Statement of Disputed Audit Findings as specified in the notice of insufficiency, the dispute as to those audit findings shall be denied.

.127 A group home provider/foster family agency may appeal a determination by the Department that a Statement of Disputed Audit Findings has not been filed on a timely basis. An "Order to Show Cause" hearing solely on the timeliness issue shall be held before an Administrative Law Judge pursuant to Section 11-407.5. The remedy for a group home provider/foster family agency in an "Order to Show Cause" hearing shall be limited to the filing of a timely Statement of Disputed Audit Findings pursuant to Section 11-407.12.

.13 Amended Audit Report

.131 An amended audit report may be issued by the Department for an audit period for which administrative review is pending if during the administrative review process the group home provider/foster family agency or its agent submits additional supporting documentation or other evidence that was not reviewed by the auditors at the time of the field audit.

.132 The informal hearing officer or Administrative Law Judge shall suspend the administrative review for a period not exceeding 120 days while the Department completes an amended audit report and the group home provider/foster family agency identifies any additional disputed audit findings contained in the amended audit report.

.133 After completion of an amended audit report by the Department, the group home provider/foster family agency may include any additional disputed audit findings in a pending administrative review by submitting an amended Statement of Disputed Audit Findings and necessary supporting documentation to the informal hearing officer or Administrative Law Judge.

.134 The informal hearing officer or Administrative Law Judge may dismiss the administrative review without prejudice to the right to request a subsequent administrative review under this article when he or she deems this course to be appropriate.

.14 Informal Hearing

.141 An informal hearing on the audit findings disputed by the group home provider/foster family agency in the Statement of Disputed Audit Findings shall be scheduled as soon as reasonably possible. An informal hearing officer designated by the Department, but not reporting directly to the Foster Care Branch, shall preside at the informal hearing.

.142 Written notice of the time and place of informal hearing will be mailed to each party by the informal hearing officer at least 15 calendar days before the date of the hearing. This period may be shortened with the consent of the parties. Any party may waive notice.

- .143 Efforts shall be made to resolve the facts and issues in dispute in a fair and equitable manner, subject to the requirements of state and federal law. Disputed audit findings contained in the Statement of Disputed Audit Findings which are not discussed at the informal hearing shall not be deemed waived.
- .144 The informal hearing shall be electronically recorded unless the parties agree otherwise. The official record of the informal hearing shall include the electronic recording and all documents received for review by the informal hearing officer.
- .145 The results of the informal hearing shall be served on the parties, within a reasonable time, in the form of a written Report of Findings.
- .146 The Report of Findings shall be considered final unless the group home provider/foster family agency submits a written Request for Formal Hearing in accordance with Section 11-407.15.
- .15 Request For Formal Hearing
- .151 Either party to an informal hearing may request a formal hearing by filing a Request for Formal Hearing within 30 calendar days of the issuance of the Report of Findings by the informal hearing officer.
- .152 The Request for Formal Hearing shall be in writing, signed by the group home provider/foster family agency or the authorized agent, or by an authorized representative of the Department, and shall state the name, address and telephone number of the requestor and the date of signing of the request. If a group home provider/foster family agency or its agent is the requestor, it shall specify the name and address of the individual authorized on behalf of the group home provider/foster family agency to receive all documents, including the final decision of the Director, relating to the formal hearing.
- .153 The Request for Formal Hearing shall specify whether the requesting party is requesting an oral administrative hearing or an administrative hearing based upon the official record developed in accordance with Section 11-407.144 without the taking of oral testimony or oral argument.
- .154 The Request for Formal Hearing shall include a copy of the Statement of Disputed Issues filed pursuant to Section 11-407.12 and the Report of Findings issued by the informal hearing officer. The Request for Formal Hearing shall be specific as to each audit finding which remains in dispute, setting forth the requestor's contention as to each disputed audit finding, the authority for each contention and the estimated amount or RCL point value for each disputed audit finding. The party filing the Request for Formal Hearing shall submit all supporting documentation relevant to the administrative review which may

include the records maintained pursuant to Sections 11-402.521 through 11-402.523, payroll files and any other supporting documentation.

.155 A Request for Formal Hearing shall be submitted, via personal delivery or certified mail, domestic receipt requested, to the office and address specified in the informal hearing officer's Report of Findings or the transmittal letter included with the Report of Findings. At the same time, a copy of the Request for Formal Hearing shall be mailed, via certified mail, domestic receipt requested, to the opposing party.

.16 Request For Settlement Conference

.161 Either party to a formal hearing may request that a settlement conference be held by submitting a request to the Administrative Law Judge. If the Administrative Law Judge determines that a settlement conference is appropriate, it shall be scheduled and held as soon as reasonably possible. The Administrative Law Judge shall provide written notice of the date, time, and place of the settlement conference which shall be mailed to each party at least 10 days before the date of the conference. This period may be shortened with the consent of the parties. Any party may waive notice. Efforts shall be made to resolve the facts and issues in dispute in a fair and equitable manner, subject to the requirements of state and federal law.

.162 A formal hearing may be converted into a settlement conference if the parties mutually agree, or if the Administrative Law Judge otherwise deems it appropriate. In such cases, any applicable deadlines for the completion of the administrative review shall be extended as required.

.17 Response Documents and Administrative Record

.171 Within 60 days of receipt of a Request for Formal Hearing, the opposing party may submit a Response. A Response shall be specific as to each audit finding which remains in dispute, setting forth the opposing party's response to the requestor's contention as to each disputed audit finding, the authority for each response and the estimated amount or RCL point value for each disputed audit finding. A Response shall be submitted via personal delivery or certified mail, domestic receipt requested, to the address specified in the informal hearing officer's Report of Findings or the transmittal letter included with the Report of Findings. At the same time, the opposing party shall mail a copy via certified mail, domestic receipt requested, to the requestor or its authorized agent. The Administrative Law Judge may allow at a party's request, or from his/her own motion, additional information or argument from any party. The other party shall be provided a reasonable opportunity, as determined by the Administrative Law Judge, to respond to such additional submission.

.172 The administrative record shall include the documents specified in Sections 11-407.12, 11-407.15, and 11-407.171, all applicable laws, regulations and procedures, and those matters of which the Administrative Law Judge takes official notice. When an oral formal hearing is conducted, evidence received at that hearing will also be included in the administrative record.

.173 When a formal hearing is to be conducted based on the record without an oral hearing, the administrative record will be closed and the parties notified when the Administrative Law Judge determines that the record is complete. The Administrative Law Judge shall conclude a formal hearing based upon the written record within 180 days after filing the Request for Formal Hearing.

.18 Conduct A Formal Hearing

.181 When an oral administrative hearing has been requested or determined by the Administrative Law Judge to be appropriate, the hearing shall be conducted in accordance with Sections 11-407.44 through 11-407.74. The formal administrative hearing shall follow the procedures specified in Sections 11-407.5 through 11-407.74.

.12 Administrative review procedures for foster family agencies rate setting procedures and AFDC-FC rate setting procedures shall include protest proceedings and appeal proceedings.

.23 Protest Proceedings

.231 (Continued)

.232 (Continued)

.2321 (Continued)

.2322 (Continued)

.2323 (Continued)

.2324 (Continued)

.33 A group home provider may appeal a determination by the Department that a written protest regarding a departmental rate setting procedure has not been filed on a timely basis. An "Order to Show Cause" hearing solely on the timeliness issue shall be held before an Administrative Law Judge pursuant to Section 11-407.5. The remedy for a group home provider in an "Order to Show Cause" hearing shall be limited to the filing of a timely written protest pursuant to Section 11-407.31.

.234 (Continued)

.2341 (Continued)

.2435 (Continued)

.2536 (Continued)

.25361 (Continued)

.74 Filing an Appeal and Developing the Record

.741 A group home provider/foster family agency that does not concur with the decision letter set forth in Section 11-407.36 and requests a different rate shall file a written appeal with the Department within 60 days of receipt of the decision letter. The date of mailing of the appeal shall establish the filing date.

.7411 (Continued)

.7412 The written appeal shall specify whether the group home provider/foster family agency is requesting an oral administrative hearing, or an administrative hearing based upon the written record developed in accordance with Section 11-407.742 without the taking of oral testimony or oral argument.

.7413 The appeal shall be submitted, via certified mail, ~~return~~ domestic receipt requested, to the office and address specified in the decision letter. At the same time, a copy shall be mailed, via certified mail, domestic receipt requested, to:

Chief Administrative Law Judge
State Department of Social Services
744 P Street, MS 19-74
Sacramento, CA 95814
Attn: Presiding Judge, Sacramento Eastern Region

(2) At the same time, a copy shall be mailed, via certified mail, ~~return receipt requested, to:~~

State California Department of Social Services
Foster Care Rates Bureau
744 P Street, M.S. 19-74
Sacramento, CA 95814

.7414 The request for appeal shall specify whether or not the group home provider/foster family agency desires that an informal conference be held. (Continued)

.342 Developing the Written Record.

.3421 Within 60 days of receipt of an appeal of a rate setting protest decision letter, the Department shall submit its response to the appeal. The response shall include: (Continued)

.3422 The Department's response shall be submitted by personal delivery or certified mail, ~~return~~ domestic receipt requested, to the ~~Chief Administrative Law Judge at the office and~~ address specified in Section 11-407.3413. At the same time, the Department shall mail a copy via certified mail, ~~return~~ domestic receipt requested, to the group home provider/foster family agency.

.3423 The group home provider/foster family agency may submit a written rebuttal to the Department's response within 30 days of the receipt of the Department's response. The rebuttal shall be submitted as set forth in Section 11-407.3413.

.3424 The Department may submit a written rebuttal to a rebuttal filed by the group home provider/foster family agency within 30 days of the receipt of the rebuttal. The Department's rebuttal shall be filed as set forth in Section 11-407.3422.

.3425 (Continued)

.3426 The written record shall include the documents discussed in Sections 11-407.341 through 11-407.3425, all applicable laws and regulations, and those matters of which the Administrative Law Judge takes official or judicial notice. (When an oral administrative hearing is conducted, additional record material submitted for that administrative hearing will subsequently be included.)

.343 When the administrative hearing is to be conducted without an oral administrative hearing, the record shall be closed and the parties notified when the Administrative Law Judge determines that the record is complete. The Administrative Law Judge shall conduct the administrative hearing upon the written record within 180 days after filing the appeal of the rate protest decision letter.

.344 (Continued)

.3441 (Continued)

.3442 (Continued)

.3443 (Continued)

.45 Procedures Applicable to All Administrative Hearings.

.451 (Continued)

.4511 Extend any time period in these appeal regulations for good cause, except the time period set forth in Section 11-407.41 for the filing of an appeal.

.4512 (Continued)

.4513 (Continued)

.4514 (Continued)

.4515 (Continued)

.4516 (Continued)

.4517 (Continued)

.4518 (Continued)

.452 (Continued)

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.4551 (Continued)

.4552 (Continued)

.4553 (Continued)

.76 Additional Procedures Applicable to Oral Administrative Hearings

.761 (Continued)

.7611 (Continued)

- .§612 (Continued)
- .§62 (Continued)
- .§621 (Continued)
- .§63 (Continued)
- .§64 (Continued)
- .§65 (Continued)
- .§66 Each party shall have the right to: (Continued)
- .§661 (Continued)
- .§662 (Continued)
- .§663 (Continued)
- .§664 (Continued)
- .§665 (Continued)
- .§666 The group home provider/foster family agency shall not be called to testify during the Department's initial presentation pursuant to Section 11-407. §671. A group home provider/foster family agency who thereafter fails to testify in its own behalf, may be called and examined as if under cross examination.
- .§67 (Continued)
- .§671 (Continued)
- .§672 (Continued)
- .§673 (Continued)
- .§674 (Continued)
- .§68 (Continued)
- .§681 (Continued)
- .§69 (Continued)
- .§691 (Continued)
- .§7 Decision Process
- .§71 (Continued)

.§72 Within 120 days after submission of the Administrative Law Judge's proposed decision, the Director shall: (Continued)

.§721 (Continued)

.§722 (Continued)

.§723 Refer the matter to the same or a different Administrative Law Judge to take additional evidence.

(a) If the case is so assigned, the Administrative Law Judge shall, within 90 days, prepare a proposed decision, based upon the additional evidence and the documentary and electronically recorded record of the prior administrative hearing. The Director may then take one of the actions described in Section 11-407.§72 in regard to the new proposed decision. The Director may return a proposed decision only twice on the same appeal.

.§73 (Continued)

.§731 (Continued)

.§74 (Continued)

Authority Cited: Sections 10553, 10554, 11466.4, and 11468, Welfare and Institutions Code.

Reference: Sections 11466.4, 11466.6, 11468, 11468.1, 11468.2, 11468.3, 11468.4, ~~and~~ 11468.5, and 11468.6, Welfare and Institutions Code; and Sections 11510, 11512, and 11513, Government Code.

*Assembly Bill 2129, Chapter 1089, Statutes of 1993,
Senate Bill 415, Chapter 950, Statutes of 1993;*

EMERGENCY

STATE OF CALIFORNIA OFFICE OF ADMINISTRATIVE LAW NOTICE PUBLICATION REGULATIONS SUBMISSION

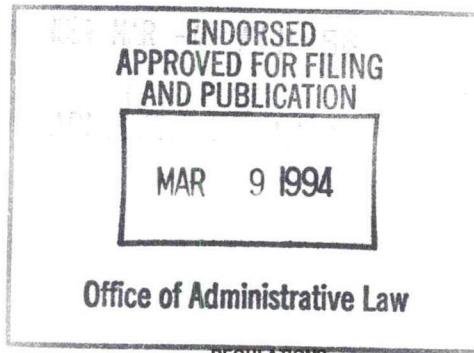
STD. 400 (REV. 2-91)

(See instructions on reverse)

Original
For use by Secretary of State only

AGENCY California Department of Social Services				AGENCY FILE NUMBER (if any) 0993-36
OAL FILE NUMBERS	NOTICE FILE NUMBER Z-93-1123-05	REGULATORY ACTION NUMBER 94-0304-015	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER 93-1029-02E

For use by Office of Administrative Law (OAL) only



FILED

In the office of the Secretary of State of the State of California

MAR 09 1994

At 4:05 O'clock P. M.
TONY MILLER, Acting Secretary of State

[Signature]
Deputy Secretary of State

NOTICE

REGULATIONS

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE Supplemental Child Care Program		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

TITLE(S) MPP	ADOPT 40-021; 44-500; 44-501; 44-502; 44-503; 44-504; 44-505; 44-506; 44-507; 44-508; and 44-509.
SECTIONS AFFECTED	AMEND 40-131.3; 40-181.1; and 44-111.3.
	REPEAL

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☒ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State ☐ Effective on filing with Secretary of State ☒ Effective other (Specify) March 4, 1993

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON

Frank Vitulli, Asst. Bureau Chief, Regulations Development Bureau

TELEPHONE NUMBER (916) 657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

[Signature]

TYPED NAME AND TITLE OF SIGNATORY

Eloise Anderson, Director

DATE

MAR 03 1994

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for re adoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Adopt Section 40-021 to read:

40-021 IMPLEMENTATION OF SUPPLEMENTAL CHILD CARE PROGRAM

40-021

- .1 The adoption of Chapter 44-500 and the amendment of Sections 40-131.3, 40-181.1, and 44-111.3 which implement the Supplemental Child Care (SCC) Program shall be effective November 4, 1993. Counties are required to meet the SCC informing requirements at application and redetermination beginning November 4, 1993.

HANDBOOK BEGINS HERE

- .2 Chapter 44-500 is being adopted to implement the Supplemental Child Care (SCC) Program to comply with the provisions of Welfare and Institutions Code Section 11451.7 (Chapter 69, Statutes of 1993).
- .3 Section 40-131 is being amended to require all AFDC recipients be informed about the SCC Program at the time of AFDC redetermination.
- .4 Section 40-181 is being amended to require that AFDC recipients are informed about their eligibility for SCC when they become employed.
- .5 Section 44-111 is being amended to exempt SCC payments from consideration of income for AFDC.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11451.7, Welfare and Institutions Code.

Amend Section 40-131.3 to read:

40-131 INTERVIEW REQUIREMENT (Continued)

40-131

.3 Content of Application Interview (Continued)

- u. The availability of supplemental child care payments for working recipients who have child care costs.

Authority Cited: Sections 10553, 10554, 10604, and 18904, Welfare and Institutions Code.

Reference: Sections 10613, 11209, 11324.8(a), AB 312, Chapter 1568, Statutes of 1990, 11451.7, 11500(b), and 11511(a), Welfare and Institutions Code; 7 USC 2020(i), 7 CFR 273.2(j), 42 USC 616(f), 682(c)(2), (3) and (4), 45 CFR 250.20, 45 CFR 250.40(a) and (b); 45 CFR 255.1; 45 CFR 256.1(b).

Amend Section 40-181 to read:

40-181 CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY (Continued) 40-181

.1 General County Responsibility (Continued)

- (1) The county shall inform recipients of the availability of supplemental child care payments to all assistance units which have reported earned income. (Continued)

Authority Cited: Sections 10553, 10554, 10604, 11265.1, and 18904, Welfare and Institutions Code.

Reference: 45 U.S.C. 616(b) and (f); 45 CFR 233.28 and 235.112(b); 7 CFR 273.16(b); and Sections 10553, 10554, 10604, 11451.7 and 11486, Welfare and Institutions Code.

Amend Section 44-111.3 to read:

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME
(Continued)

44-111

.3 Exemption of Payments from Public Sources (Continued)

- g. ~~Reserved~~ Reimbursements for child care costs made under the Supplemental Child Care (SCC) Program are exempt from consideration as income. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11008.15, ~~and~~ 11255, and 11451.7, Welfare and Institutions Code; 42 USC Section 602(g)(1)(E)(i); Section 202(a), Public Law 100-485; 45 CFR 244.0(c); 45 CFR 233.20(a)(4)(ii); 45 CFR 233.20(a)(11)(v)(C); 45 CFR 255.3(f)(1); and Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992.

Adopt Chapter 44-500 and Section 44-501 to read:

44-500 SUPPLEMENTAL CHILD CARE (SCC) PROGRAM

44-501 INTRODUCTION TO SUPPLEMENTAL CHILD CARE

44-501

HANDBOOK BEGINS HERE

The Supplemental Child Care (SCC) Program is mandated by Welfare and Institutions Code Section 11451.7 (Chapter 69, Statutes of 1993). It provides funding for child care to working AFDC recipients when certain eligibility criteria are met. The objective of SCC is to remove one of the most formidable barriers to employment for AFDC families with young children which is the high cost of child care. In assisting these families with their child care costs, it is hoped that they will obtain and maintain employment which will ultimately result in self-sufficiency from the welfare system.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11451.7, Welfare and Institutions Code.

Adopt Section 44-502 to read:

44-502 DEFINITIONS

44-502

The following definitions pertain only to Chapter 44-500. The definitions shall be used in conjunction with the balance of the Supplemental Child Care Program regulations and do not stand alone.

- (a) (1) "AU" means the AFDC assistance unit.
- (b) (1) "Budget Month" means the month used to determine the amount of the SCC payment.
- (c) (1) "Child Care Disregard" means the limited dependent care income disregard amount used to reduce the net countable income in the AFDC grant computation as specified in Section 44-113.21.
- (d) (1) "Date of Receipt" means the date that a document is received by the county welfare department, either through the mail or delivered in person.
- (e) (1) "Exempt from Licensing" means a child care provider who is not required to obtain a day care license.

HANDBOOK BEGINS HERE

(A) Examples of when a day care license is not required.

- 1. The nonrelative child care provider cares for the children of only one family in addition to his/her own children;
- 2. The child care provider is related to the children for whom care is given; or
- 3. The child care provider is a public or private school or recreation program.

HANDBOOK ENDS HERE

(f) through (o) Reserved

- (p) (1) "Payment Month" means the month following the report month and the month in which the recipient receives the SCC payment.

(q) Reserved

- (r) (1) "Rate Ceiling" means the 75th percentile of the regional market rate or the 100th percentile of the regional market rate when the region has no more than two providers giving that age and category of care.
- (2) "Regional Market Rate" means the costs of child care in each county differentiated by age of child and type of care as established in the Regional Market Rate Ceilings for California Child Care Providers.

(3) "Report Month" means the month in which a recipient is required to submit the monthly report (CA 7/SAWS 7, Rev. 1/93) which contains information from the previous month, also known as the budget month.

(s) (1) "SCC" means the Supplemental Child Care Program.

(t) through (z) Reserved

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11451.7, Welfare and Institutions Code.

Adopt Section 44-503 to read:

44-503 PROGRAM ELIGIBILITY

44-503

- .1 An AU shall be eligible for an SCC payment if all of the following conditions are met:
 - .11 A member of the AFDC AU is working and requires child care to remain employed.
 - .12 The AU is eligible to receive the child care income disregard in their AFDC computation as specified in Section 44-113.21.
 - .13 The child care costs were paid for a child in the AFDC AU who meets one of the following conditions:
 - .131 Under the age of 13.
 - .132 Physically or mentally incapable of caring for himself/herself based on a written statement of a physician or a licensed or certified psychologist and meets the age requirements under the AFDC program, as specified in Section 42-101.
 - .133 Under court supervision as specified in Welfare and Institutions Code Sections 601 and 602 and meets the age requirements under the AFDC program, as specified in Section 42-101.
 - .14 The child care provider meets all of the following conditions:
 - .141 Is 18 years old or older.
 - .142 Is not a parent or legal guardian of the child.
 - .143 Is not a member of the AU.
 - .144 Has a day care license or is exempt from licensing.
 - .15 The AU has provided the necessary information to determine SCC eligibility.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11503(a) and 11451.7, Welfare and Institutions Code; 45 CFR 233.20; and 45 CFR 255.2, .3, .4, and .5.

Adopt Section 44-504 to read:

44-504 PAYMENT ELIGIBILITY

44-504

- .1 SCC funds shall reimburse child care costs which do not exceed the rate ceiling less the amount allowed for a child care disregard in the AFDC computation as specified in Section 44-113.21.

HANDBOOK BEGINS HERE

- .11 The Regional Market Rate ceilings are determined based on a statistically valid survey of the rates established by child care providers for private clients in accordance with Welfare and Institutions Code Section 11508(b).

HANDBOOK ENDS HERE

- .2 The county shall only issue a SCC payment when the child care hours claimed are for the following:

- .21 Work hours.
- .22 Transportation time between the worksite and the child care provider.
- .23 When necessary, hours based on the provider's standard billing practice.

HANDBOOK BEGINS HERE

- .24 Examples of eligible hours.

.241 Example: A day care provider charges all families based on a weekly rate. The provider charges for any days the SCC child is absent, regardless of the reason (i.e., holidays, sick days and vacation). The provider also charges for days the parent is on holiday. Since this is the provider's billing practice for nonsubsidized families, a request for payment which includes these days would meet the payment eligibility requirements under this section.

.242 Example: A provider charges all families based on an hourly rate. The provider only charges for hours of care provided. The SCC child attends school and needs only after-school care. The county would compare the hours worked to the hours of care, taking into consideration the time the child is in school.

.243 Example: A provider charges all families based on an hourly rate. The parent works from 4 p.m. to 12 a.m. The provider charges for nine hours of child care, because the parent leaves the child in care a half hour before starting work and a half hour after ending the work shift. The county would compare the hours worked including transportation time to the hours of care. A request for payment for nine hours of care would meet the payment eligibility requirements of this section.

HANDBOOK ENDS HERE

.3 The county shall not approve a SCC payment to a new child care provider if a payment was made for the same period of time to the prior-authorized provider unless the change was due to an emergency situation under Section 44-504.31.

.31 An emergency situation occurs when care cannot be provided or the provision of care places the child at risk of harm.

.4 When the beginning date of SCC eligibility is after the first of the month, counties shall deduct from the actual child care costs any amount paid for child care prior to the beginning date of eligibility.

HANDBOOK BEGINS HERE

.41 Example: The recipient became eligible for AFDC on the 15th of the month. The submitted child care receipt shows child care costs for the whole month. The county would request from the parent the amount of child care costs incurred from the 15th through the end of the month before processing the SCC payment.

HANDBOOK ENDS HERE

.5 The county shall not pay aid paid pending the state hearing decision for SCC.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11451.7, Welfare and Institutions Code; 45 CFR 255.1(c) and (e)(4); 45 CFR 255.2(a)(1); and 45 CFR 255.4(c)(2) and (i)(1).

Adopt Section 44-505 to read:

44-505 PAYMENT COMPUTATION

44-505

- .1 When the AU is determined eligible for the SCC payment, the county shall pay the difference between:
- .11 The actual child care costs paid up to the applicable 75th percentile rate ceiling, and
- .12 The allowable child care disregard or the portion thereof, used in Section 44-113.21 to reduce the net countable income.

HANDBOOK BEGINS HERE

Example 1: When net countable income subtotal computed in Section 44-113.21 exceeds the total child care disregard allowed.

AU of 3, (parent and 2 children, ages 5 and 1 years).
Monthly child care costs are \$200 for the 5 year old and
\$250 for the 1 year old. Gross income is \$750.

Computation from Section 44-113.21

Gross income	\$750
Standard disregard	-90
	<u>\$660</u>
\$30 disregard	-30
	<u>\$630</u>
1/3 disregard	-210
	<u>\$420</u>
Subtotal	\$420
Child care disregard for the 5 year old (maximum allowed for a child over 2)	-175
	<u>\$245</u>
Child care disregard for the 1 year old (maximum allowed for a child 2 years and under)	-200
	<u>\$ 45</u>

SCC Computation

Actual child care paid for 5 year old	\$200
75th percentile rate ceiling	330
Lesser of two above	200
Disregard allowed for 5 year old	-175
SCC payment for 5 year old	= \$ 25

Actual child care paid for 1 year old	\$250
75th percentile rate ceiling	389
Lesser of two above	250
Disregard allowed for 1 year old	-200
SCC payment for 1 year old	= \$ 50

Total SCC Payment	= \$ 75
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Example 2: When net countable income subtotal computed in Section 44-113.21 is less than the allowable child care disregard.

AU of 3, (parent and 2 children, both over 6 years).
Monthly child care costs are \$175 per child. Gross income is \$375.

Computation from Section 44-113.21

Gross income	\$375
Standard disregard	-90
	<u>\$285</u>
\$30 disregard	-30
	<u>\$255</u>
1/3 disregard	- 85
	<u>\$170¹</u>
Subtotal	\$170 ¹
Child care disregard (maximum allowed for 2 children over 2 years)	-350
	<u>- \$180</u>

SCC Computation

Actual child care paid for first child	\$175
75th percentile rate ceiling	240
Lesser of two above	<u>175</u>
Portion of disregard used for first child	-170 ¹
SCC payment for first child	= \$ 5
Actual child care paid for second child	\$175
75th percentile rate ceiling	240
Lesser of two above	<u>175</u>
Portion of disregard used for second child	- 0 ²
SCC payment for second child	= \$175
Total SCC Payment	= \$180

¹ Here, only \$170 of the allowable \$175 child care disregard was used to reduce countable income, i.e., only \$170 was needed to reduce the income to -0-.

² Here, none of the allowable \$175 child care disregard was used to reduce the net countable income, i.e., the net countable income was entirely offset in the computation for first child.

Example 3: When net countable income subtotal computed in Section 44-113.21 results in the recipient not receiving any amount of the allowable child care disregard.

AU of 3, (parent and 2 children, ages 4 and 1 years). Monthly child care costs are \$90 for both. Gross income is \$120.

Computation from Section 44-113.21

Gross income	\$120
Standard disregard	-90
	<u>\$ 30</u>
\$30 disregard	-30
Subtotal	<u>\$-0-</u>
Child care disregard (maximum allowed)	- 90
	<u>- \$ 90</u>

SCC Computation

Actual child care paid for 4 year old	\$ 45
75th percentile rate ceiling	<u>50</u>
Lesser of two above	<u>45</u>
Portion of disregard used for 4 year old	- 0 ¹
SCC payment of 4 year old	= \$ 45

Actual child care paid for 1 year old	\$ 45
75th percentile rate ceiling	<u>-180</u>
Lesser of two above	<u>45</u>
Portion of disregard used for 1 year old	- 0 ¹
SCC payment of 1 year old	= \$ 45

Total SCC Payment = \$ 90

¹ Here, none of the allowable child care disregards were needed to reduce the net countable income subtotal since it was already reduced to \$0 prior to deducting any child care disregards.

HANDBOOK ENDS HERE

.2 Counties shall round payments to the nearest lower whole dollar.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11451.7, Welfare and Institutions Code; 45 CFR 233.20(a)(11)(i)(D); 45 CFR 255.3(h)(2); 45 CFR 255.4(a) and (a)(2)(iii); and the Preamble in Federal Register, Volume 54, Number 97, page 42233.

Adopt Section 44-506 to read:

44-506 RECIPIENT RESPONSIBILITIES

44-506

- .1 The recipient shall provide the following information to determine SCC program and payment eligibility by the fifth calendar day of each report month along with the monthly report process under Section 40-181.22.
 - .11 Verification of employment and the number of hours of employment;
 - .111 Acceptable verification shall be pay stubs.
 - .112 Self-certification by the recipient of hours worked is acceptable only if pay stubs are not available or are incomplete.
 - .12 Total child care hours provided during the month;
 - .13 Total child care costs for the month;
 - .14 The care provider's name and address;
 - .15 Whether the provider is a licensed day care center, licensed family day care home, or an exempt day care provider;
 - .16 A certification from the exempt day care provider that he/she is at least 18 years of age and whether he/she is a relative of the SCC recipient; and when not related, that he/she provided the SCC recipient the name, address and telephone numbers of two character references; and a statement as to his/her health; education or experience; criminal record; and names and ages of other persons in the home providing care.
 - .17 A declaration, signed under penalty of perjury, by the child care provider that the information submitted under Section 44-506.1 is true and correct to the best of his/her knowledge.
 - .18 A declaration, signed under penalty of perjury, by the recipient that the information submitted under Section 44-506.1 is true and correct to the best of his/her knowledge.
- .2 The failure to provide the information required in Section 44-506.1 shall result in a denial of the SCC payment.
- .3 The failure to provide the information required in Section 44-506.1 timely may result in a delay of the SCC payment.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11451.7, Welfare and Institutions Code; 45 CFR 255.1(e); and 45 CFR 255.2(a) and (g).

Adopt Section 44-507 to read:

44-507 COUNTY RESPONSIBILITIES

44-507

.1 General

- .11 The county shall inform applicants and recipients in writing about the availability of SCC payments at the following intervals:
 - .111 At the time of application as specified in Section 40-131.3.
 - .112 At the time of annual redetermination as specified in Section 40-181.2.
 - .113 When earned income is first reported as specified in Section 40-181.1.
- .12 At the intervals specified in Section 44-507.11, the county shall inform current SCC recipients in writing that a failure to provide information in a timely manner could result in delay of issuance or denial of SCC payments.
- .13 At the intervals specified in Section 44-507.11, the county shall inform the SCC recipient in writing of his/her right to request a state hearing regarding SCC benefits and that aid paid pending the state hearing decision is not available.

.2 Action on SCC Payment Requests

- .21 The county shall issue the SCC payment to eligible recipients by the first of the month following the report month unless the verification of child care costs is received after the eleventh day of the report month.

HANDBOOK BEGINS HERE

- .211 Example: If child care costs were paid in November and reported by December 5th, the county shall issue the SCC payment by January 1.

HANDBOOK ENDS HERE

- .22 When the verification of child care costs is received after the eleventh day of the report month, the county shall issue the SCC payment within 30 calendar days from the receipt of verification of child care costs.
- .23 The county shall deny an SCC payment by the first day of the month following the report month in the following situations:
 - .231 When the verification of child care costs was submitted timely but the recipient did not meet the eligibility criteria specified in Sections 44-503 and 44-504.

.232 When the verification of child care costs was not submitted by the first day of the month following the report month unless the recipient had good cause under Section 44-507.233.

.233 Good cause exists in the following situations:

(a) When the recipient was suffering from a mental or physical condition which prevented timely and complete reporting.

(b) When the recipient's failure to submit a timely or complete report is caused by county error.

(c) When the county finds other reasonable circumstances which prevented timely and complete reporting.

.24 The county shall notify the recipient by the tenth calendar day after the date of receipt of the child care information if the information was incomplete and if additional information is needed to determine SCC payment eligibility.

.241 The county shall deny a SCC payment if the recipient has not provided the requested additional information by the first day of the payment month.

.242 The county shall rescind the denial of the SCC payment and grant SCC if the recipient meets the good cause criteria under Section 44-507.233 for providing the requested additional information after the time specified in Section 44-507.241.

.3 SCC Notice Requirements

.31 The county shall issue an appropriate Notice of Action (NOA) to SCC recipients, pursuant to procedures specified in MPP Division 22, for the following types of SCC actions and changes:

.311 Approval of an SCC payment and shall include an explanation of the SCC payment amount and an explanation of the rate ceiling.

.312 Denial of an SCC payment.

.313 Change in the rate ceiling described in Section 44-504.1.

.314 Collection of overpayment from SCC recipients under Section 44-508.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11451.7, Welfare and Institutions Code; 45 CFR 233.28(e); 45 CFR 255.1(e); 45 CFR 255.2(a), (g), (g)(2), and (h).

Adopt Section 44-508 to read:

44-508 UNDERPAYMENTS AND OVERPAYMENTS

44-508

.1 General Criteria

.11 Underpayments occur when an SCC payment made to the recipient is less than what he/she is entitled to receive.

.111 Action to correct underpayments shall be taken within 60 calendar days from the date the county determines that an underpayment exists.

.12 Overpayments occur when an SCC payment to the recipient exceeds what he/she is entitled to receive.

HANDBOOK BEGINS HERE

.121 An overpayment may be all or a portion of an SCC payment.

HANDBOOK ENDS HERE

.13 The county shall take all reasonable steps necessary to promptly correct any underpayment and collect any overpayment that is known to the county.

.131 The county shall refer cases of suspected fraud to the county Special Investigative Unit (SIU) under MPP Section 20-005.

.132 The county shall attempt recovery efforts in all cases of current and former AFDC recipients.

.14 The county shall recover SCC overpayments from any person who was a member of the AU at the time the AU was overpaid, whether or not they are currently receiving AFDC benefits.

.2 Initiating Recovery

.21 When the county has determined that an overpayment exists, the county shall calculate the amount of the overpayment and determine the appropriate method of recovery under Sections 44-508.3 and .4.

.211 Recovery methods may be used concurrently.

.22 The county shall take steps to initiate recovery within 30 calendar days from the date the overpayment is discovered by notifying the individual in writing that he/she has an overpayment and how recovery will occur under Sections 44-508.3 and .4.

.3 Overpayment Recovery from Current SCC Recipients

.31 Balancing

.311 When an individual has both an overpayment and an underpayment, the county may offset one against the other.

.32 SCC Payment Adjustment

.321 The overpayment is to be adjusted from the current SCC payment subject to Section 44-508.322.

(a) When the current SCC payment amount is not enough to recover the entire overpayment, the remaining amount of the overpayment shall be applied to succeeding month(s) and the adjustment process shall be repeated.

.322 Recovery from the current SCC payment(s) shall be ten percent of the total payment or \$21 dollars, whichever is greater, but the recovery shall not exceed the current SCC payment.

.33 Voluntary Cash Recovery

.331 The county shall accept any voluntary cash payment from an individual to pay any portion of an existing overpayment.

.4 Overpayment Recovery from Former SCC Recipients

.41 The county shall demand in writing, the repayment of any outstanding overpayment amount from any individual who is no longer receiving SCC payments or loses eligibility for AFDC.

.42 SCC overpayments shall be adjusted from the recipient's AFDC grant when:

.421 The recipient and the county voluntarily agree with the amount of the AFDC grant adjustment.

.422 The individual signs a written agreement with the county.

.43 Once the demand letter for repayment has been sent, the county shall continue recovery efforts of SCC overpayments in:

.431 All cases of fraud;

.432 All cases of current recipients;

.433 All cases of former recipients when the overpayment amount would equal or exceed the cost of recovery.

.44 The county shall recoup SCC overpayments from families receiving Transitional Child Care (TCC) payments by following TCC overpayment collection procedures under Section 47-190.

.5 Overpayment Record Maintenance

- .51 The county shall maintain a record of the overpayment including all notices and agreements, the repayment dates and amounts recovered.
- .52 Once collection of the overpayment is completed, the overpayment records shall be retained in accordance with requirements for records retention of public assistance cases, as specified in Section 23-350.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11451.7, Welfare and Institutions Code; 45 CFR 205.10; 45 CFR 255.2(h); 45 CFR 255.4(j)(1), (4), (5), (6), (7), and (8); and the Preamble in Federal Register, Volume 54, Number 197, page 42234.

Adopt Section 44-509 to read:

44-509 DATA COLLECTION

44-509

.1 The county shall collect and report data as required by CDSS.

.11 Information shall include, but not be limited to, the following:

.111 Total number of AFDC families receiving SCC payments each month, including the

(a) Number of AFDC-FG families receiving SCC payments each month, and

(b) Number of AFDC-U families receiving SCC payments each month.

.112 Total number of children receiving SCC payments each month by the type of child care (i.e., licensed or exempt, relative or non-relative, inside or outside child's home, family day care, or center care);

(a) Number of AFDC-FG children receiving SCC payments each month by the type of care, and

(b) Number of AFDC-U children receiving SCC payments each month by the type of care.

.113 Expenditures for children receiving SCC payments each month by the type of child care (i.e., licensed or exempt, relative or non-relative, inside or outside child's home, family day care, or center care);

(a) Amount of expenditures for AFDC-FG children each month by type of care, and

(b) Amount of expenditures for AFDC-U children each month by type of care.

.114 Number of months that each family has received child care services.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11451.7, Welfare and Institutions Code and Federal Action Transmittal JOBS-ACF-AT-92-1.

NOT SUBSTANTIVE

STATE OF CALIFORNIA - OFFICE OF ADMINISTRATIVE LAW NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91)

(See instructions on reverse)

ORIGINAL

For use by Secretary of State only

AGENCY California Department of Social Services			AGENCY FILE NUMBER (if any) 0993-37	
OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER 94-0211-01N	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
For use by Office of Administrative Law (OAL) only				
NOTICE			REGULATIONS	

1994 ENDORSED
APPROVED FOR FILING
AND PUBLICATION

MAR 14 1994

Office of Administrative Law

FILED
In the office of the Secretary of State
of the State of California

MAR 14 1994

At 3:00 O'clock P.M.
ONY MILLER, Acting Secretary of State
y *[Signature]*
Deputy Secretary of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE Repeal of Exemption from Licensure of Conservators		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

TITLE(S) CCR T-22	ADOPT
SECTIONS AFFECTED	AMEND 87101 and 87227
	REPEAL

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☒ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☒ Effective 30th day after filing with Secretary of State ☐ Effective on filing with Secretary of State ☐ Effective other (Specify)

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON

Frank Vitulli, Assistant Chief, Regulations Development Bureau

TELEPHONE NUMBER

(916) 657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

[Signature]

TYPED NAME AND TITLE OF SIGNATORY

Eloise Anderson, Director

DATE

JAN 11 1994

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN
REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Amend Section 87107(a) to read:

87107 EXEMPTION FROM LICENSURE (Continued)

87107

(a) The following shall be allowed to operate without being licensed as a residential care facility for the elderly:

(7) Any care and supervision of persons by a relative/ ~~guardian or conservator~~.

(8) (Continued)

(9) (Continued)

Authority Cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1505, 1569.145, 1569.145(i), and 11834.11, Health and Safety Code.

Amend Section 87227 to read:

87227 SAFEGUARDS FOR CASH RESOURCES, PERSONAL PROPERTY,
 AND VALUABLES OF RESIDENTS (Continued)

87227

(d) Except as provided in approved life continuing care ~~contract~~ agreements, no licensee or employee of a facility shall:

- (1) accept appointment as a guardian or conservator of the person and/or estate of any resident;
(Continued)

Authority Cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.15, 1569.30, 1569.31, 1569.60 and 1569.61, Health and Safety Code; and Section 11006.9, Welfare and Institutions Code.

EMERGENCY
NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91)

(See instructions on
reverse)*original*
For use by Secretary of State only

AGENCY California Department of Social Services		AGENCY FILE NUMBER (if any) RDB# 1193-46	
OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 94-0322-01E
For use by Office of Administrative Law (OAL) only		PREVIOUS REGULATORY ACTION NUMBER	
NOTICE		REGULATIONS	

ENDORSED
APPROVED FOR FILING
AND PUBLICATION

APR 1 1994

Office of Administrative Law

FILED
In the office of the Secretary of State
of the State of California**APR 1 1994**At 3:35 O'clock PM
TONY MILLER, Acting Secretary of StateBy Roberta Cornick
Deputy Secretary of State**A. PUBLICATION OF NOTICE** (Complete for publication in Notice Register)

1. TOPIC OF NOTICE GAIN Reform II		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER
<input type="checkbox"/> Other OAL USE ONLY ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S)** (Including title 26, if toxics-related)

TITLE(S) MPP	ADOPT 42-711
SECTIONS AFFECTED	AMEND 42-710; 42-720; 42-751; 42-760; 42-761; 42-771; 42-772; 42-773; 42-774; 42-775; 42-781; 42-782; 42-783; 42-786; 42-788; 42-790; 42-793; and 42-796
	REPEAL

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346)
☐ Resubmittal
☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)
☒ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only
☐ Other (specify) _____

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State
☐ Effective on filing with Secretary of State
☒ Effective other (Specify) April 1, 1994

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399)
☐ Fair Political Practices Commission
☐ State Fire Marshal
☐ Other (Specify) _____

6. CONTACT PERSON

Frank Vitulli, Assistant Chief, Regulations Development Bureau

TELEPHONE NUMBER

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Eloise Anderson

DATE

MAR 21 1994

TYPED NAME AND TITLE OF SIGNATORY

Eloise Anderson, Director

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for re adoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Amend Section 42-710 to read:

42-710 INTRODUCTION TO GAIN (Continued)

42-710

.3 Definitions for Terms Used in This Chapter (Continued)

(w) "Teen Parent" or "Teenage Parent" means a custodial parent or pregnant woman under 19 years of age.

(~~w~~x) "Unsubsidized Employment" (Continued)

(~~x~~y) "Volunteer" (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11320, 11320.2, 11320.4, 11320.6, 11320.8, 11321, 11321.2, 11321.4, 11321.6, 11321.8, 11322, 11322.2, 11322.4, 11322.6, 11322.8, 11323, 11323.1, 11323.15, 11323.2, 11323.4, 11323.6, 11323.8, 11324, 11324.2, 11324.4, 11324.6, 11324.8, 11325, 11325.2, 11325.4, 11325.6, 11326, 11326.2, 11326.4, 11326.6, 11326.8, 11327, 11327.2, 11327.4, 11327.5, 11327.6, 11327.8, 11328, 11328.1, 11328.2, 11328.4, 11328.6, 11328.8, 11329, 11329.2, 11329.4, 11329.5, 11331.5(d), and 13280, Welfare and Institutions Code.

Adopt Section 42-711 to read:

42-711 DEMONSTRATION PROJECTS

42-711

.1 Federal Demonstration Projects

- .11 Counties that make an agreement with the Department to assign GAIN registrants to an evaluation control group must comply with the procedures set forth in the agreement throughout the duration of the evaluation.
- .12 The county shall give members of an evaluation control group adequate notification that they are members of such a group according to Sections 22-001(a)(1) and 22-021.
- .13 The designation and treatment of the control group shall be accomplished pursuant to the Project's mandated parameters outlined in the Federal Terms and Conditions as approved by the Department of Health and Human Services.
 - .131 Designation and treatment of the control group members shall be limited to control group members residing within evaluation counties.
- .14 For the purposes of the federal California Work Pays Demonstration Project (CWPD), the control county shall not apply the following new provisions to those applicants and recipients who are designated as members of the Project's control group.
 - .141 Section 42-796.11 - Exemption Due to Having a Child Under Age 3.
 - (a) See Section 42-711.155 for applicable rules.
- .15 For purposes of the federal CWPD, the control county shall apply the following provision to those applicants and recipients who are designated as members of the Project's control group:
 - .151 The Exemption Based on the Care of a Child Under Three (Code 8)

The parent or other relative of a child under age three who is personally providing care for the child is exempt from GAIN registration except as provided in Section 42-772.7.

 - (a) The exemption in Section 42-711.151 shall apply to only one parent in an AFDC-U case.
 - (b) See Sections 42-796.2 and .3 for documentation and review instructions.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Section 11310, Welfare and Institutions Code.

Amend Section 42-720 to read:

42-720 THE GAIN COUNTY PLAN (Continued)

42-720

.3 County Plan Content (Continued)

.32 The participant and labor market needs assessment shall specify all of the following: (Continued)

.325 The amount and kind of services that will be used in the plan year, including the methodology for the provision of services. (Continued)

(d) Notwithstanding Section 42-720.325(c), when the Cal-Learn Program, as described in Sections 42-762 through 42-769, is operative, the county plan shall contain the information required by Section 42-767.

(de) A county plan update containing the requirements of Section 42-720.325(c) shall be submitted ~~to DSS no later than March 1/ 1997~~ as required by CDSS. (Continued)

.5 CDSS County Plan Approval (Continued)

.57 §CDSS approval of a county plan shall be dependent upon but not limited to the following: (Continued)

.573 Whether the plan contains an identification of, and linkages or planned linkages to, education and supportive services and a description of the case management services available to custodial parents under the age of 18, as specified in Section 42-720.325(c) or Section 42-766 when the Cal-Learn Program is operative. (Continued)

.6 GAIN Target Population Priority (Continued)

.67 The cost reduction provisions specified in Section 42-720.63, including the priority provisions specified in Sections 42-720.632, .633 and .634, shall not apply to teen parents who are subject to the Cal-Learn Program as described in Sections 42-762 through 42-769 when that Program is operative. (Continued)

Authority Cited: Sections 10553, ~~and~~ 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11320.6(b), 11320.8(c), 11321, 11321.2, 11321.2(a), 11322.2(b), 11322.4, 11323.15, 11330.5(d), 11330.8(c), 11330.9, 11333.5(b) and 13280, Welfare and Institutions Code; 45 CFR 250.1; 45 CFR 250.12(c); and 45 CFR 250.31(a).

Amend Section 42-751 to read:

42-751 UNDERPAYMENTS AND OVERPAYMENTS OF SUPPORTIVE SERVICES (Continued) 42-751

.2 General Criteria

.21 The CWD shall take all reasonable steps necessary to promptly correct and collect any overpayment that is known to the county. (Continued)

.214 The CWD shall continue to attempt recovery efforts in all cases of former Cal-Learn participant overpayments. (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11323.4(b) and (d)(1), and 11328, Welfare and Institutions Code/ ~~AP 312/ Chapter 1568/ Statutes of 1990~~; 45 CFR 205.10, 255.2(h)(1) and 255.4(j); and 54 FR 42234, October 13, 1989; JOBS-FSA-AT-91-5.

Amend Section 42-760 to read:

42-760 GAIN REGISTRATION (Continued)

42-760

.9 The provisions of Section 42-760 shall not apply to teen parents who are subject to the Cal-Learn Program as described in Sections 42-762 through 42-769 when that Program is operative.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553, 10554, ~~and~~ 11320.4(e), 11325(d) and 11325.2(d), Welfare and Institutions Code/ ~~AB 112/ Chapter 1388/ Statutes of~~ 1990; 45 CFR 250.90, 45 CFR 250.94(a)(2), 45 CFR 250.95(b) and 45 CFR 250.97(f)(7).

Amend Section 42-761 to read:

42-761 GAIN REGISTRANT APPRAISAL (Continued)

42-761

.6 The provisions of Section 42-761 shall not apply to teen parents who are subject to the Cal-Learn Program as described in Sections 42-762 through 42-769 when that Program is operative.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11323.15, 11323.2(a), 11323.4(d)(1), 11323.6(d)(1), 11325, 11325.2(c)(7), ~~and~~ 11330.3 and 11331.5(b), Welfare and Institutions Code; 45 CFR 250.1; 45 CFR 250.41(a)(1)(i) and (b); 45 CFR 250.48(a) and 45 CFR 255.2(a); and 54 FR 42184, October 13, 1989.

Amend Section 42-771 to read:

42-771 GAIN PARTICIPANT CONTRACTS (Continued)

42-771

.6 The provisions of Section 42-771 shall not apply to teen parents who are subject to the Cal-Learn Program as described in Sections 42-762 through 42-769 when that Program is operative.

Authority Cited: Sections 10553, ~~and~~ 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11325.2(c)(1)(B) and 11325.2(d), Welfare and Institutions Code/ ~~AB 112/ Chapter 1888/ Statutes of 1990~~ and 45 CFR 255.2(h).

Amend Section 42-772 to read:

42-772 GAIN BASIC PARTICIPANT CONTRACT REQUIREMENTS (Continued)

42-772

- .6 Except as provided in Sections 42-772.61, 42-772.62 and 42-772.71, for any parent or other relative who is personally providing care to a child under age 6, participation shall not be required for more than 20 hours per week.
- .61 The participation limit specified in Section 42-772.6 is applicable to only one parent in an AFDC-U case.
- .62 The participation limit specified in Section 42-772.6 shall not apply to teen parents who are subject to the Cal-Learn Program as described in Sections 42-762 through 42-769 when that Program is operative or to those Cal-Learn participants who have graduated from high school or an equivalent program.
- .7 For any custodial parent under age 20 who does not possess a high school diploma or its equivalent and who is not exempt, or whose sole reason for exemption would have been having a child under age three, or who volunteers, the participant contract shall provide that the individual participate in an educational activity leading to a high school diploma or equivalent, except as provided for self-initiated participants in Section 42-772.722.
- .71 These participants shall participate full-time as defined by the educational provider.
- .711 The provisions of Section 42-772.7 shall not apply to teen parents who are subject to the Cal-Learn Program as described in Sections 42-762 through 42-769 when that Program is operative.
(Continued)

Authority Cited: Sections 10553, ~~and~~ 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11310(b)(6)(B), (d) and (e), 11323.15, 11325.2(c)(5), (6) and (7), 11326.2(b), (c)(5)(D) and (E), 11330, 11330.1, 11330.2, 11330.4, 11330.5, 11330.6, 11330.8, ~~and~~ 11330.10 and 11331.5, Welfare and Institutions Code; and 45 CFR 250.1; 45 CFR 250.32(a)(1) and (3)(ii); 45 CFR 250.48 and .48(b); and 45 CFR 255.2(a) and (c).

Amend Section 42-773 to read:

42-773 DEVELOPMENT OF AN EMPLOYMENT PLAN (Continued)

42-773

.8 The provisions of Section 42-773 shall not apply to teen parents who are subject to the Cal-Learn Program as described in Sections 42-762 through 42-769 when that Program is operative.

Authority Cited: Sections 10553, ~~and~~ 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11323.15 and 11325.4(c), Welfare and Institutions Code.

42-774 PARTICIPANT CONTRACT AMENDMENTS

Whenever a participant is assigned to a different program component, the contract shall be amended to reflect the assignment and supportive services (Section 42-750) necessary for participation. The CWD and the participant shall sign the amended contract and be bound by its terms. (Continued)

12 ANY INDIVIDUAL WHO REMAINS UNEMPLOYED AFTER RECEIVING THE EXTENUATING CIRCUMSTANCES SHALL BE PROVIDED TO PARTICIPANTS DESCRIBED IN SECTION 42-774.21 IN EXTENUATING CIRCUMSTANCES WHICH INCLUDE, BUT ARE NOT LIMITED TO, THOSE SPECIFIED IN SECTIONS 42-774.21(a) THROUGH 42-774.21(e). THE CWD MAY REQUEST VERIFICATION OF THE EXTENUATING CIRCUMSTANCE.

17 IF THE PARTICIPANT REMAINS UNEMPLOYED AT THE END OF THE 90-DAY PERIOD, THE PARTICIPANT SHALL BE ELIGIBLE FOR THE 90-DAY PERIOD OF THE EXTENUATING CIRCUMSTANCES. THE PARTICIPANT SHALL BE ELIGIBLE FOR THE 90-DAY PERIOD OF THE EXTENUATING CIRCUMSTANCES. THE PARTICIPANT SHALL BE ELIGIBLE FOR THE 90-DAY PERIOD OF THE EXTENUATING CIRCUMSTANCES.

2 Upon completion of the assigned activities agreed to under Section 42-774.1, the following provisions shall apply:

21 Participants who have completed OJT, adult basic education (ABE) (including high school equivalency), vocational training/education and/or vocational ESL and who have not obtained employment shall not receive any additional training or education services, including PRFP, as defined in Sections 42-730.3 and 42-730.5, until all other individuals needing such services are being served, except as specified in Section 42-774.211.

211 Additional training and/or education services shall be provided to participants described in Section 42-774.21 in extenuating circumstances which include, but are not limited to, those specified in Sections 42-774.211(a) through 42-774.211(e). The CWD may request verification of the extenuating circumstance.

(a) The occupation for which training or education services were received is no longer in demand in the local labor market.

(b) The participant has experienced a change in his/her physical or mental condition or in his/her family circumstances which precludes employment in the occupation for which training or education services were received.

- (c) The participant has moved to a county in which the occupation for which training or education services were received is not in demand in the local labor market.
- (d) The participant is unable to obtain needed licenses or approvals.
- (e) At the discretion of the CWD, and as documented in the case file, any substantial and compelling reason other than those specified in this section.

.212 Participants described in Section 42-774.21 who do not obtain employment shall be referred to job services, as described in Section 42-730.2, for a period of 90 days. Job search activities during the 90-day period shall not be subject to the 40-day limit specified in Section 42-730.272.

.213 Participants described in Section 42-774.212 who remain unemployed after the 90-day job services period and who do not meet the provisions of Section 42-774.211 shall be eligible only for additional job services, subject to the limits specified in Section 42-730.27.

- (a) Participation in job services shall be required annually until the participant is again eligible for training or education services.

HANDBOOK BEGINS HERE

- (1) Consistent with her employment plan, the participant is assigned to a vocational training assignment. Upon completion of the assignment, the participant does not obtain employment; there are no extenuating circumstances.

The participant is then assigned to 90-day job services, which is the only activity available to her. If she has not obtained employment after the 90-day job services assignment, she is eligible only for additional job services, subject to the 40-day time limit. She would not be eligible for any other GAIN activity until all other eligible participants are being served.

- (2) Consistent with his employment plan, the participant is assigned to ABE, followed by OJT. Upon completion of the OJT assignment, the participant is unable to obtain employment in the field for which he was trained due to a change in his physical condition.

Because there are extenuating circumstances, the participant is eligible to receive additional training and/or education services needed to obtain employment.

HANDBOOK ENDS HERE

.22 Participants who have completed short-term PREP or an activity funded by grant diversion and who have not obtained employment may be referred to additional training or education services necessary to meet the employment goal.

.221 Participants described in Section 42-774.22 who subsequently complete OJT, ABE, vocational training/education or vocational ESL shall be subject to the provisions of Section 42-774.21.

.222 Participants described in Section 42-774.22 who are not referred to additional training or education services shall be referred to job services, as described in Section 42-730.2, for a period of 90 days. Job search activities during the 90-day period shall not be subject to the 40-day limit specified in Section 42-730.272.

(a) Participants described in Section 42-774.222 who remain unemployed at the end of the 90-day job services period shall be referred to an advanced long-term PREP assignment, as described in Section 42-730.32, for a period of 12 months.

(1) The advanced long-term PREP assignment may be shortened in accordance with Section 42-774.4.

HANDBOOK BEGINS HERE

(A) Consistent with her employment plan, the participant is assigned to a short-term advanced PREP activity. She does not obtain employment upon completion of the PREP assignment and is assigned to 90-day job services. She remains unemployed and is referred to long-term advanced PREP.

Because she has not yet received OJT, ABE, vocational education/training or vocational ESL, she remains eligible to receive any GAIN training or education activities needed to obtain employment.

(B) Consistent with his employment plan, the participant is assigned to a short-term basic PREP activity, followed by OJT. Upon completion of the OJT, the participant does not obtain employment. The only GAIN activity the participant is eligible to receive is job services until all other eligible participants are being served. (Continued)

HANDBOOK ENDS HERE

.7 The provisions of Section 42-774 shall not apply to teen parents who are subject to the Cal-Learn Program as described in Sections 42-762 through 42-769 when that Program is operative.

Authority Cited: Sections 10553, ~~and~~ 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11322.4(f) and (g), 11322.6(f)(2), 11323.15, ~~and~~ 11324.8(a), 11325.4(a) and (c), and 11325.8, Welfare and Institutions Code and 45 CFR 250.60(d).

Amend Section 42-775 to read:

42-775 GAIN PARTICIPATION REQUIREMENTS FOR AFDC-U PARENTS (Continued)

42-775

.7 The provisions of Section 42-775 shall not apply to teen parents who are subject to the Cal-Learn Program as described in Sections 42-762 through 42-769 when that Program is operative.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11320.8(a), 11322.4(f), 11322.8(f) and (g), 11323.15, 11325, 11325.2(d), 11325.2(c)(7) and (c)(9), 11325.8(b), and 11327.4(a), Welfare and Institutions Code; 45 CFR 250.33; 45 CFR 250.41; 45 CFR 250.74(c)(1); 42 U.S.C. 603(l)(4)(A) and (B)(i); and JOBS-ACF-AT-93-7.

Amend Section 42-781 to read:

42-781 CAUSE DETERMINATIONS AND CONCILIATION

42-781

.1 Before sanctions (Section 42-786) are applied, the CWD shall determine if there is good cause and attempt to resolve the problems when an individual who is required to enter into a participant contract or who volunteers to participate in the program fails or refuses to comply with program requirements. (Continued)

.12 The provisions of Section 42-781 shall not apply to teen parents who are subject to the Cal-Learn Program as described in Section 42-762 through 42-769 when that Program is operative. (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11323.15, 11327.4, 11327.5(c)(1), ~~and~~ 11330.10(c) and 11333.7(b)(2)(A), Welfare and Institutions Code; 45 CFR 250.34(a); and FSA-JOBS-90-3 (Federal Action Transmittal).

Amend Section 42-782.4 to read:

42-782 GAIN GOOD CAUSE CRITERIA (Continued)

42-782

- .4 The good cause criteria specified in Sections 42-782.1(a), (g), (l), (m) and (n) shall not apply to teen parents who are subject to the Cal-Learn Program as described in Sections 42-762 through 42-769 when that Program is operative.

Authority Cited: Sections 10553, ~~and~~ 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11323.2(a), 11325, 11328(a)(12) and (14) and (i), and 11328.1 and 11333.7(b)(2)(B), Welfare and Institutions Code/ ~~As~~ ~~112/ Chapter 1888/ Statutes of 1990;~~ and 45 CFR 250.35(d) and 255.2(a).

Amend Section 42-783 to read:

42-783 CRITERIA FOR DETERMINING APPROPRIATENESS OF GAIN
WORK AND TRAINING

42-783

.1 For determining good cause, an assignment, job referral, job offer, or job is not considered appropriate work or training, as specified in Section 42-782, if it meets any of the following conditions: (Continued)

(m) The offer of employment is at a wage level that results in a net loss of income, as specified in Section 42-784.

(1) The net loss of income provisions specified in Sections 42-783.1(m) and 42-784 shall not apply to teen parents who are subject to the Cal-Learn Program as described in Sections 42-762 through 42-769 when that Program is operative.

Authority Cited: Sections 10553, ~~and~~ 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11328(a)(14) and 11333.7(b)(2)(B), Welfare and Institutions Code/ ~~AB 312/ Chapter 1568/ Statutes of 1990.~~

Amend Section 42-786 to read:

42-786 GAIN SANCTIONS (Continued)

42-786

- .8 The provisions of Section 42-786 shall not apply to teen parents who are subject to the Cal-Learn Program as described in Sections 42-762 through 42-769 when that Program is operative.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11323.15, 11327.4(j), 11327.5(b), (c)(1)(A) and (B), (c)(2) and (3) and (d), and 11333.7(b)(2)(A), Welfare and Institutions Code; 45 CFR 250.30(b)(7); 45 CFR 250.34(c)(2) and (3); 45 CFR 255.2(h)(2); 54 FR 42173, October 13, 1989; and JOBS-ACF-AT-92-5.

Amend Section 42-788 to read:

42-788 EXEMPTIONS (Continued)

42-788

.3 Only those exemptions specified in Sections 42-791, 42-793 and 42-799 shall apply to teen parents who are subject to the Cal-Learn Program as described in Sections 42-762 through 42-769 when that Program is operative.

Authority Cited: Sections 10553, ~~and~~ 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11310(b) and (c), ~~and~~ 11320.4(a) and 11331.5(b) and (c), Welfare and Institutions Code/ ~~AB 112/ Chapter 1988/ Statutes of 1990~~; 45 CFR 250.30(a) and (c)(2) and 45 CFR 250.31.

Amend Section 42-790 to read:

42-790 EXEMPTION BASED ON SCHOOL ATTENDANCE (CODE 02)

42-790

.1 The Exemption .

An individual 16, 17, or 18 years of age is exempt when he/she is attending full-time, a school in grade twelve or below, or vocational or technical school. An individual who is 16 or 17 years old or a custodial parent under 20 years old described in Section 42-772.7 ~~who loses this exemption shall not qualify for the exemption by attending school as a required activity in GAIN and whose required GAIN activity is to attend school shall not qualify for this exemption.~~ (Continued)

Authority Cited: Sections 10553, ~~and~~ 10554, and 10604, Welfare and Institutions Code.

Reference: Section 11310(b)(2), Welfare and Institutions Code/ ~~AB 112/ Chapter 1568/ Statutes of 1990~~; and 45 CFR 250.30(b)(1)(ii).

Amend Section 42-793 to read:

42-793 EXEMPTION BASED ON INCAPACITY (CODE 05)

42-793

.1 The Exemption

An individual is exempt from GAIN registration based on incapacity when it is verified that: (a) the individual has a physical or mental impairment which prevents the individual from engaging in employment or training; or (b) the individual is under age 20, does not possess a high school diploma or equivalent, and her physician prescribes a specified period of postpartum recovery.

.11 Repealed by Manual Letter No. EAS-90+03/ effective 10/1/90/ The exemption for postpartum recovery provided in Section 42-793.1 shall not apply to teen parents who are subject to the Cal-Learn Program as described in Sections 42-762 through 42-769 when that Program is operative. (Continued)

Authority Cited: Sections 10553, ~~and~~ 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11310(d)(3) and 11332(c), Welfare and Institutions Code/ ~~AB 112/ Chapter 1368/ Statutes of 1990~~; and 45 CFR 250.30(b)(3).

Amend Section 42-796 to read:

42-796 EXEMPTION BASED ON THE CARE OF A CHILD UNDER THREE
(CODE 08)

42-796

.1 The Exemption

The parent or other relative of a child under age three who is personally providing care for the child is exempt from GAIN registration except as provided in Sections 42-772.7, 42-788, 42-796.11 and 42-796.12.

.11 An individual shall be eligible for the exemption in Section 42-796.1 only one time during a period of continuous eligibility for AFDC.

.111 A "period of continuous eligibility for AFDC" means a period of time in which there has not been a break in aid.

.112 An individual who has previously received this exemption and who has responsibility for personally providing care to a child under age three shall be exempt for four months upon the birth or adoption of another child.

.12 The CWPDP control county shall not apply the limits specified in Section 42-796.11 to control group members for the duration of the CWPDP evaluation.

.13 Upon graduation from high school or an equivalent program, for purposes of GAIN participation, the exemption in Section 42-796.1 shall not apply to teen parents who are subject to the Cal-Learn Program as described in Sections 42-762 through 42-769 when that Program is operative.

.174 The exemption in Section 42-796.1 shall apply to only one parent in an AFDC-U case.

.1741 (Continued)

.1742 (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11310(b)(6), 11331.5(b) and 11334, Welfare and Institutions Code.

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

ORIGINAL

For use by Secretary of State only

STD. 400 (REV. 2-91)

AGENCY

California Department of Social Services

AGENCY FILE NUMBER (If any)

0993-40

OAL FILE
NUMBERS

NOTICE FILE NUMBER

REGULATORY ACTION NUMBER

EMERGENCY NUMBER

PREVIOUS REGULATORY ACTION NUMBER

94-0322-05E

For use by Office of Administrative Law (OAL) only

MAR 22 PM 2 59

ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING
AND PUBLICATION

APR 1 1994

Office of Administrative Law

NOTICE

REGULATIONS

FILED

In the office of the Secretary of State
of the State of California

APR 1 1994

At 3:35 O'clock P.M.
TONY MILLER, Acting Secretary of StateBy Robert Cornick
Deputy Secretary of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE Increased Property Limits and Restricted Accounts for Recipients - CWPDP		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

TITLE(S)	ADOPT
MPP	40-022, 89-501, 89-502, 89-503, 89-504
SECTIONS AFFECTED	AMEND
	42-207, 42-213, 44-352, 80-301, 89-102
	REPEAL

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346)
 ☐ Resubmittal
 ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)
 ☒ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only
 ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State
 ☐ Effective on filing with Secretary of State
 ☒ Effective other (Specify) April 1, 1994

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☒ Department of Finance (Form STD. 399)
 ☐ Fair Political Practices Commission
 ☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON

Frank Vitulli, Assistant Chief, Regulations Development Bureau

TELEPHONE NUMBER

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE



TYPED NAME AND TITLE OF SIGNATORY

ELOISE ANDERSON, Director

DATE

March 22, 1994

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for reoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Adopt Section 40-022 to read:

40-022 IMPLEMENTATION OF REGULATIONS FOR THE INCREASED PROPERTY 40-022
LIMITS AND RESTRICTED ACCOUNTS PURSUANT TO SENATE BILL 35,
CHAPTER 69, STATUTES OF 1993 AND SENATE BILL 1078, CHAPTER 1252,
STATUTES OF 1993 FOR THE CALIFORNIA WORK PAYS DEMONSTRATION PROJECT

.1 Sections Implemented

The following amendments and adoptions comply with the provisions of Senate Bill 35, Chapter 69, Statutes of 1993 and Senate Bill 1078, Chapter 1252, Statutes of 1993. This regulatory action applies to recipients who are subject to the California Work Pays Demonstration Project and consists of:

Changes to increase the real and personal property limit from \$1,500 to \$2,000;

Changes to increase the exemption for one motor vehicle from \$1,000 to \$4,500; and

Allows the AU to retain funds up to \$5,000 in a restricted account for specified purposes.

.11 Sections Adopted

89-501 Increased Property Limits for Recipients

89-502 \$2,000 Property Limit for Recipients

89-503 Increased Motor Vehicle Limit for Recipients

89-504 Restricted Accounts for Recipients

.12 Sections Amended

42-207 Property Which May Be Retained by An Applicant or Recipient

42-213 Property Items to Be Excluded in Evaluating Property Which May Be Retained

44-352 Overpayment Recoupment

80-301 Definitions

89-102 Federal Demonstration Project - Introduction

.2 Effective Date

All regulatory action implementing the provisions of Senate Bill 35, Chapter 69, Statutes of 1993 and Senate Bill 1078, Chapter 1252, Statutes of 1993 shall become effective April 1, 1994, for recipients who are subject to the California Work Pays Demonstration Project.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11155.1 and 11155.2, Welfare and Institutions Code; 45 CFR 233.20(a)(3)(i)(B); and the Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994.

Amend Section 42-207 to read:

42-207 PROPERTY WHICH MAY BE RETAINED BY AN APPLICANT OR RECIPIENT
(Continued)

42-207

HANDBOOK BEGINS HERE

- .2 See Sections 89-501 and 89-502 for the \$2,000 property limit which applies to AFDC FG/U recipients who are subject to the California Work Pays Demonstration Project, as specified in Division 89.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11155, 11155.1, 11155.2, and 11257, Welfare and Institutions Code; 45 CFR 233.20(a)(3)(i)(B); and the Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994.

Amend Sections 42-213.123(b)(1), .125, and .2z. to read:

42-213 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY
WHICH MAY BE RETAINED

42-213

.1 Real Property to Be Excluded (Continued)

.12 (Continued)

.123 (Continued)

(b) (Continued)

- (1) Advertising once a week in at least one publication of general circulation that the property is for sale. When an AU becomes resource eligible it will no longer be required to use out-of-pocket expenditures to market the property but shall continue to comply with Section 42-213.123(a). [Resource eligibility exists when the equity value of the real property (see Section 42-213.124) plus all countable resources is less than \$1,000].

HANDBOOK BEGINS HERE

- (A) See Section 89-501 for the higher property and motor vehicle limits for those recipients subject to the California Work Pays Demonstration Project, as specified in Division 89.

HANDBOOK ENDS HERE

(2) (Continued)

- .125 The county shall inform the applicant/recipient at the time this exemption is granted that it is time-limited; and, at the end of nine months the assistance unit will be ineligible if the property has not been sold and the combined value of real and personal property continues to exceed the \$1000 limit specified in Section 42-207.

HANDBOOK BEGINS HERE

- (a) See Sections 89-501 and 89-502 for the higher property and motor vehicle limits for those recipients subject to the California Work Pays Demonstration Project, as specified in Division 89.

HANDBOOK ENDS HERE

.126 (Continued)

.2 Personal Property to Be Excluded (Continued)

- z. One motor vehicle the net market value of which does not exceed \$1500. If the value of the motor vehicle exceeds the \$1500 limit, the excess over \$1500 shall be treated as a resource included in the property limit described in Section 42-207.

HANDBOOK BEGINS HERE

- (1) See Sections 89-501, 89-502 and 89-503 for the higher property and motor vehicle limits for those recipients subject to the California Work Pays Demonstration Project, as specified in Division 89.

HANDBOOK ENDS HERE

aa. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11155, 11155.1, 11155.2, ~~and~~ 11155.5, and 11257, Welfare and Institutions Code; ~~and~~ 45 CFR 233.20(a)(3)(i)(B) and (a)(4)(ii); ~~and~~ Sidwell v. McMahon, United States District Court (E.D. Cal.) May 7, 1990, civil no. S-89-0445; and the Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994.

Amend Section 44-352.115 to read:

44-352 OVERPAYMENT RECOUPMENT

44-352

.1 Calculation of the Overpayment (Continued)

.11 (Continued)

.115 (Continued)

HANDBOOK BEGINS HERE

(a) See Section 89-501 for the higher property and motor vehicle limits for those recipients subject to the California Work Pays Demonstration Project, as specified in Division 89.

(~~a~~b) (Continued)

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11017, 11155, 11155.1, 11155.2, 11257, 11450, 11452, and 11453, Welfare and Institutions Code; and 45 CFR 233.20(a)(3)(i)(B) and (a)(13)(i)(A)(2); and the Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994.

Amend Section 80-301(r) (1) to read:

80-301 Definitions (Continued)

80-301

(r) (1) Recipient

"Recipient" means a person who is receiving AFDC.

(A)

A person becomes a "recipient" on the date on which both of the following conditions are met:

1.

the person meets all conditions of eligibility, and

2.

the county signs authorization documents to approve the application for AFDC. ~~determining that all eligibility requirements are met.~~

HANDBOOK BEGINS HERE

(B)

An applicant who has been approved for an immediate need and/or homeless assistance payment based on his/her apparent eligibility is not considered to be a recipient, as specified in Section 40-129. In these cases, the county has not signed authorization documents to approve the AFDC application.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: 45 CFR 233.10(a) (1) and Section 11450, Welfare and Institutions Code.

Amend Chapter Title 89-100 and Section 89-102 to read:

CHAPTER 89-100 ASSISTANCE PAYMENTS DEMONSTRATION PROJECT (APDP) AND
 CALIFORNIA WORK PAYS DEMONSTRATION PROJECT (CWPDP)

89-102 FEDERAL DEMONSTRATION PROJECTS - INTRODUCTION

89-102

HANDBOOK BEGINS HERE

.1 Background

Pursuant to state law, the ~~state~~ California Department of Social Services has requested and received federal approval for ~~a~~ two California Demonstration Projects entitled the Assistance Payments Demonstration Project and the California Work Pays Demonstration Project. ~~These~~ These Projects enable ~~California~~ California, in accordance with ~~its~~ their federally mandated Terms and Conditions, to implement certain new AFDC provisions.

The Assistance Payments Demonstration Project provisions are contained in Division 89. They include work incentive provisions, MAP reductions and a relocation grant restriction. The California Work Pays Demonstration Project provisions contained in Division 89 include increased property limits and restricted accounts.

HANDBOOK ENDS HERE

.2 Control Group

The county shall not apply the Division 89 Assistance Payments Demonstration Project and the California Work Pays Demonstration Project provisions to those applicants and recipients who are designated as members of the Project/s' control groups. The designation and treatment of the control groups shall be accomplished pursuant to the Project/s' mandated parameters outlined in the Federal Terms and Conditions as approved by the Secretary of the Department of Health and Human Services.

Authority Cited: Sections 10553, 10554, 11201.5, 11209, and 11450(g), Welfare and Institutions Code.

Reference: Sections 11155.1, 11155.2, 11201.5, 11450.01, and 11450.03, Welfare and Institutions Code; 45 CFR 233.20(a)(3)(i)(B); and Federal Terms and Conditions for the Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992; and Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994.

Adopt Chapter 89-500 and Section 89-501 to read:

CHAPTER 89-500 PROPERTY LIMITS FOR RECIPIENTS UNDER THE CALIFORNIA WORK PAYS
DEMONSTRATION PROJECT

89-501 INCREASED PROPERTY LIMITS FOR RECIPIENTS

89-501

.1 General

The county shall apply the following property limits to an AU which includes at least one recipient:

.11 \$2,000 Property Limit

\$2,000 for property as specified in Section 89-502,

.12 \$4,500 Motor Vehicle

\$4,500 for one motor vehicle as specified in Section 89-503, and

.13 \$5,000 Restricted Account

\$5,000 for restricted accounts as specified in Section 89-504.

.2 Excess Property Discovered

When an application has been approved and the county subsequently discovers that the AU's property exceeded the \$1,000 property limit on the date of approval, the county shall not apply any of the increased property limits specified in Section 89-501.1 until the first day of the month following the date the AU's property is at or below the \$1,000 property limit for applicants.

HANDBOOK BEGINS HERE

.21 Example 1

On July 1st, a family applies for aid and the county approves the AFDC application (i.e., authorizes aid) based on the following property:

<u>\$ 700</u>	<u>savings account</u>
<u>+150</u>	<u>cash surrender value on life</u>
	<u>insurance policy</u>
<u>\$ 850</u>	<u>total countable property</u>

In November, a Quality Control reviewer discovers that the cash surrender value of the life insurance policy was actually \$350 on July 1st (total property = \$1,050). The county determines that the AU had excess property over the \$1,000 limit for applicants from July through October (when the AU spent down their savings).

.22 Example 2

The AU is overpaid from July through October, but is eligible in November and will have the higher property limits beginning November 1st.

In September a family applies for aid and is approved; they have the following property:

<u>\$ 300</u>	<u>checking account</u>
<u>+600</u>	<u>savings account</u>
<u>\$ 900</u>	<u>total countable property</u>

In October the AU opens a restricted savings account with a balance of \$200.

In November the caretaker relative reports that he has just discovered a paid-up life insurance policy he had forgotten about which had a cash surrender value (CSV) of \$500 since September.

The AU's property is as follows:

<u>\$ 300</u>	<u>checking</u>
<u>+600</u>	<u>savings</u>
<u>+500</u>	<u>CSV life insurance</u>
<u>\$ 1400</u>	<u>total</u>
<u>-1000</u>	<u>limit for applicants</u>
<u>\$ 400</u>	<u>excess property September & October</u>
<u>+ 200</u>	<u>restricted account opened in</u>
	<u>October</u>
<u>\$ 600</u>	<u>excess property beginning November</u>

The county sends a timely notice to discontinue aid effective November 30th. The caretaker relative immediately withdraws the \$200 from the restricted account and \$400 from the savings account to buy a new refrigerator on November 29th.

The new date of eligibility for increased property limits is December 1st (the first day of the month following the date the AU was at or below the \$1,000 limit for applicants). The AU is overpaid for September, October, and November.

Since the AU exceeded the \$1,000 property limit when the application was approved, the AU was not eligible for any of the higher property limits and the "restriction" on the second savings account is not applicable. As such, a

period of ineligibility for a nonqualifying
withdrawal also does not apply.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11155, 11155.1, 11155.2, and 11257,
Welfare and Institutions Code; 45 CFR 233.20(a)(3)(i)(B); and
the Federal Terms and Conditions for the California Work Pays
Demonstration Project as approved by the United States
Department of Health and Human Services on March 9, 1994.

Adopt Section 89-502 to read:

89-502 \$2,000 PROPERTY LIMIT FOR RECIPIENTS

89-502

.1 General

When an AU includes a recipient, the county shall apply a \$2,000 limit to the net market value of the AU's countable property without regard to the \$5,000 restricted account specified in Section 89-504.

HANDBOOK BEGINS HERE

.2 Example 1

A family applies for AFDC on February 3rd. The otherwise eligible AU has countable property of \$700. The county approves the application on March 13th. The family reports that on March 15th, they received stocks from an inheritance worth \$1,000. Their total property on March 15th was \$1,700.

The AU is eligible because their property did not exceed the \$1,000 limit for applicants until after their application was approved and they are under the \$2,000 limit for recipients.

.3 Example 2

A minor mother and her child moved out of her senior parent's home to live with her child's father on June 3rd. The minor mother and her child were receiving aid in the senior parent's AU through June 30th.

On June 5th, the minor mother requests aid for herself, her child, and the father of her child; the beginning date of aid is July 1st. The new AU's property is as follows:

<u>\$ 300</u>	<u>minor mother's cash</u>
<u>+1,500</u>	<u>father's savings account</u>
<u>\$1,800</u>	<u>AU's total property</u>

The county applies the \$2,000 property limit for recipients because the minor mother and her child did not have a break in aid, and thus are considered recipients.

.4 Example 3

An AU which includes a recipient has countable property of \$1,700. The AU reports that another child moved in with them on May 31st. The child has a \$500 savings account. The county determines that the entire AU is ineligible due to excess property effective June 1st:

<u>\$ 500</u>	<u>savings account of new child</u>
<u>+1,700</u>	<u>AU's other property</u>
<u>\$2,200</u>	<u>AU's total property</u>
<u>-2,000</u>	<u>property limit for recipients</u>
<u>\$ 200</u>	<u>excess property</u>

The county sends a timely notice of action to discontinue aid effective June 30th and determines an overpayment for June.

If the AU spends down to the \$2,000 limit on or before June 30, the county will rescind the discontinuance; however, the overpayment will remain. If the AU does not spend down to the \$2,000 limit, it will be subject to the \$1,000 property limit for applicants if it reapplies later.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11155, 11155.1, and 11257, Welfare and Institutions Code; 45 CFR 233.20(a)(3)(i)(B); and the Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994.

Adopt Section 89-503 to read:

89-503 INCREASED MOTOR VEHICLE LIMIT FOR RECIPIENTS

89-503

.1 General

The county shall exempt up to \$4,500 for one motor vehicle that is owned by a member of an AU which includes a recipient.

.11 Vehicle Over
\$4,500 Limit

When the vehicle's net market value exceeds the \$4,500 limit, the excess value shall be included in the \$2,000 property limit specified in Section 89-502. See Section 42-215.4 for determining the value of a motor vehicle.

HANDBOOK BEGINS HERE

.2 Example

An AU which includes a recipient reports they now have the following property (net market values are shown):

<u>1st motor vehicle:</u>	<u>\$2,500</u>
<u>2nd motor vehicle:</u>	<u>\$1,200</u>
<u>savings account:</u>	<u>\$ 500</u>

The county exempts the 1st motor vehicle because it has the highest value. The 2nd motor vehicle's value is added to the AU's other countable property (\$1,200 + \$500 = \$1,700). The AU is property eligible because the countable property does not exceed the \$2,000 property limit for recipients.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11155, 11155.1, and 11257, Welfare and Institutions Code; 45 CFR 233.20(a)(3)(i)(B); and the Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994.

Adopt Section 89-504 to read:

89-504 RESTRICTED ACCOUNTS FOR RECIPIENTS

89-504

- (a) General An AU which includes a recipient shall be allowed to retain cash reserves totalling up to a maximum of \$5,000 in one or more restricted accounts at a financial institution.
- (1) Additional Funds The funds shall be in addition to the \$2,000 property limit specified in Section 89-502.
- (b) Written Agreement Before an account can be designated as "restricted," the caretaker relative shall sign an agreement with the county welfare department which sets forth the requirements, restrictions and penalties specified in Section 89-504.
- (1) Advice The written agreement shall include a statement which advises recipients to first retain resources close to the \$2,000 limit to pay for unexpected expenses or emergencies before they enter into a written agreement.
- (c) Account Information The AU shall provide verification to the county of the following information for each account within 30 calendar days from the date of the written agreement. Failure to comply will result in termination of the agreement.
- (1) Names of Persons On the Account(s) Names of persons as shown on the restricted account;
- (2) Institution Name and address of the financial institution;
- (3) Number Account number; and
- (4) Balance Account balance and activity since the date the agreement was signed.
- (d) Specific Purpose The funds must be retained for one or more of these specific purposes:
- (1) Home purchase of a home;
- (2) Education postsecondary education or vocational training of a person who is or was a child in the AU on or after the date of the written agreement; or
- (3) Business start up of a new business.

(e) Separate Account

The AU must establish and maintain a restricted account separately from any other accounts.

(f) Interest Exemption

The county shall exempt interest payments for purposes of determining AFDC eligibility and grant amount when the interest is deposited directly into the account by the financial institution.

(1) Direct Receipt

The county shall determine that interest which is not deposited directly into the restricted account is a nonqualifying withdrawal.

(2) Erroneous Receipt

When interest is not deposited directly into the account due to an error caused by the financial institution, the AU is allowed 30 calendar days from the date of receipt to deposit the interest into the restricted account.

(A)

Failure to deposit the interest within 30 calendar days shall result in a determination that a nonqualifying withdrawal has occurred, unless good cause exists for exceeding the 30-day limit as specified in Section 89-504(j).

(g) Qualifying Withdrawal

The AU is allowed 30 calendar days from the date of a withdrawal to expend funds for one or more of the following expenses:

(1) Purchase of a Home

Expenses associated with the purchase of a home that will be the principal residence of the AU.

(A)

These expenses include, but are not limited to, deposits, fees, down payment, principal payment, repairs, fixtures and closing costs.

(B)

Expenses for furniture and household goods are not allowable.

(2) Child's Education

Expenses associated with the postsecondary education or vocational training for a person who is or was a child in the AU on or after the date of the written agreement.

(A)

These expenses include, but are not limited to, the following:

1.

fees, tuition, books, school supplies, equipment, special clothing needs, student housing, meals, transportation costs to and from school, child care services necessary for school attendance.

- (3) Start Up of a New Business
- (A) Allowable expenses shall include, but are not limited to, the following:
1. purchase and maintenance of capital equipment, uniforms or other protective or required clothing and shoes; tools; inventory; payments on loan principal and interest for capital assets or durable goods; rent for office or floor space and associated utilities; shipping and delivery costs; employee salary; fees; business taxes; insurance; and bookkeeping or other professional services.
- (B) Personal expenses such as entertainment are not allowable.
- (4) No Expense Incurred
- (1) Funds, which are withdrawn in anticipation of an expense that does not occur or are less than anticipated, shall be redeposited into the restricted account within 30 calendar days from the date of the withdrawal.
- (1) Failure to timely redeposit the funds shall result in a determination that a nonqualifying withdrawal has occurred, unless good cause exists as specified in Section 89-504(j).
- (h) Verification
- The AU shall provide verification of the following items within 30 calendar days from the date of expenditure:
- (1) Balance balance prior to the withdrawal;
- (2) Date and Amount date and amount of the withdrawal; and
- (3) Receipts a receipt, cancelled check, or signed statement from the provider of goods or services which verifies the type and the amount of expense paid.
- (i) Nonqualifying Withdrawal
- Except as specified in Section 89-504(p)(1), the county shall determine that a nonqualifying withdrawal has occurred when:
- (1) Noncooperation the AU fails to expend funds or to provide verification of a withdrawal or expenditure within the required time limit unless good cause, as specified in Section 89-504(j), exists for exceeding the time limit;

- (2) Nonallowable Purpose the AU withdraws or spends the funds for purposes or expenses other than those allowed under this section; or
- (3) Receipt of Interest Income the interest payment was not deposited directly into the account by the financial institution.
- (j) Good Cause The county shall determine that good cause exists for exceeding the time limits specified at Sections 89-504(f)(2), (g), and (h) when any of the following situations exist.
- (1) Beyond AU's Control Circumstances exist which are beyond the AU's control.
- (A) These circumstances include, but are not limited to, illness or medical emergency, failed or delayed completion of a home purchase, lack of transportation, or other extenuating circumstances found by the county.
- (B) When good cause is found to exist, the AU will be allowed to fulfill the necessary requirement within a reasonable period of time based on the circumstances for the delay, as determined by the county, to avert a determination of a nonqualifying withdrawal.
- (2) AU Complies Before the Effective Date of the Notice Good cause also exists when the AU complies with the necessary requirement before the effective date of the notice of action. In these situations, the county shall rescind the notice of action.
- (k) Period of Ineligibility When the county determines that a nonqualifying withdrawal exists, the county shall calculate a period of ineligibility.
- (1) Calculation To calculate the period of ineligibility, the county shall first determine the total amount in all of the restricted accounts immediately prior to the nonqualifying withdrawal or prior to the issuance of an interest payment when it is not directly deposited into the account by the financial institution, and:
- (A) subtract any portion which the county determines to be a qualifying withdrawal;
- (B) divide the result by the minimum basic standard of adequate care (MBSAC) for the number of persons in the AU, plus any special needs; and

(C)

round down the result to the nearest whole number for the number of months of ineligibility.

(1) Applying the Period of Ineligibility

When the county determines that a period of ineligibility is applicable, the period of ineligibility shall begin on the first day of the month following the nonqualifying withdrawal.

(1) One Month of Ineligibility

When ineligibility exists for only one month, the county shall suspend aid on the first day of the month following the nonqualifying withdrawal.

HANDBOOK BEGINS HERE

(m) Examples

(1) Example 1:

<u>Bank balance prior to 5/96</u>	
<u>withdrawal:</u>	<u>\$5,000</u>
<u>Amount withdrawn from account:</u>	<u>\$4,500</u>
<u>Amount used to purchase home:</u>	<u>\$3,000</u>
<u>Amount used to buy furniture:</u>	<u>\$1,500</u>

(A)

Since the AU used a portion of the withdrawal on a nonallowable expenditure, the county shall calculate a period of ineligibility as follows:

1.

<u>\$5,000</u>	<u>balance prior to withdrawal</u>
<u>-3,000</u>	<u>allowable expense for purchase of home</u>
<u>\$2,000</u>	<u>remainder</u>
2. Divide the remainder (\$2,000) by MBSAC + special needs for an AU of 3
(\$2,000 divided by \$715 = 2.79)
3. Round down the result to the nearest whole number (2).
4. The AU is ineligible for two months beginning 6/96 due to a nonqualifying withdrawal.

(2) Example 2:

An AU of three has the following property:

<u>\$ 100</u>	<u>checking account</u>
<u>+1000</u>	<u>restricted account</u>
<u>+ 800</u>	<u>savings account</u>
<u>\$ 1900</u>	<u>Total</u>

(A)

The AU wants to buy new furniture and withdraws all of their funds from their accounts, including the restricted account, to pay for the purchases in 5/96. The county determines that the AU made a nonqualifying withdrawal.

(B)

Although the AU's total property reserve prior to the nonqualifying withdrawal is under the \$2,000 property limit, the county will calculate a period of ineligibility as follows:

- | | | |
|-----------|---|---------------|
| <u>1.</u> | <u>Balance prior to nonqualifying withdrawal in 5/96</u> | <u>\$1000</u> |
| <u>2.</u> | <u>Divide by MBSAC for 3 (\$715)</u> | |
| <u>3.</u> | <u>Result</u> | <u>1.3</u> |
| <u>4.</u> | <u>Round down to nearest whole number for number of months of ineligibility</u> | <u>1</u> |

(C)

Since the period of ineligibility is only for one month, aid for 6/96 will be suspended rather than discontinued. As the AU members will retain their recipient status, the higher property limits will continue to apply.

HANDBOOK ENDS HERE

(n) Shortening The Period of Ineligibility

The county shall shorten the period of ineligibility when the AU reapplies for aid and the standard of need increases.

(1)

An increase in the standard of need includes any increase in AU size, general increase in the MBSAC (COLA increases), or a determination that the ineligible family would be eligible for a special need item as specified in Section 44-211.

(2) Calculation

To shorten the period of ineligibility due to an increase in the standard of need, the county shall:

(A)

Identify the restricted account balance used to calculate the original period of ineligibility.

(B)

Identify the original MBSAC plus any special needs allocated to the ineligible family unit and multiply it by the number of ineligible months prior to the increase. Subtract the total from the amount in Section 89-504(n)(2)(A).

(C)

Divide the result calculated in Section 89-504(n)(2)(B) by the increased standard of need. Round down the result to the nearest whole number.

(D)

The revised period of ineligibility is the final result in Section 89-504(n)(2)(C) plus the number of ineligible months prior to the increase.

(E)

The revised period of ineligibility shall begin in the same month as the original period of ineligibility.

HANDBOOK BEGINS HERE

(3) Example

An AU of two is in a period of ineligibility due to a nonqualifying withdrawal. The pertinent facts of the period of ineligibility are as follows:

(A)

<u>\$ 2000</u>	<u>original balance used to calculate the period of ineligibility</u>
<u>\$ 576</u>	<u>original MBSAC</u>
<u>3</u>	<u>number of months of ineligibility</u>
<u>January</u>	<u>first month of ineligibility</u>

The AU size increased to three people in February and the need standard increased to \$715.

(B)

<u>\$2000</u>	<u>original balance</u>
<u>- 576</u>	<u>MBSAC for one month of ineligibility</u>
<u>\$1424</u>	<u>result; divide by increased MBSAC for 3 (\$715)</u>
<u>1.99</u>	<u>result</u>
<u>1</u>	<u>number of ineligible months after increase (rounded down)</u>
<u>1</u>	<u>number of months before increase</u>
<u>+ 1</u>	<u>number of months after increase</u>
<u>2</u>	<u>revised period of ineligibility (number of months)</u>

The prior period of ineligibility has been reduced from three months to two months; January and February are the ineligible months.

HANDBOOK ENDS HERE

(o) Establishing a Separate AU for Other Eligibles

A separate AU may be established for an otherwise eligible person whose needs were not considered in the calculation of the period of ineligibility.

(o) Establishing a Separate
AU for Other Eligibles

A separate AU may be established for an otherwise eligible person whose needs were not considered in the calculation of the period of ineligibility.

(p) When Balance
Exceeds \$5,000

When the restricted account exceeds \$5,000 on the first day of a month, the county shall add the excess over the \$5,000 limit to the AU's other countable property.

(1) Interest Payments

When the \$5,000 limit is exceeded solely due to the deposit of interest payment(s), the county shall:

(A)

allow the AU to withdraw the interest payment which caused the restricted account balance(s) to exceed the \$5,000 limit; and

(B)

not calculate a period of ineligibility for the withdrawal of the interest.

(q) Termination of the
Written Agreement

The written agreement for the restricted account terminates when:

(1)

the AU is discontinued from AFDC; or

(2)

the restricted account is closed; or

(3)

the AU does not provide timely verification of the account information as specified in Section 89-504(c); or

(4)

state or federal law changes the conditions or no longer permits these restricted accounts.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11155, and 11155.2, Welfare and Institutions Code; 45 CFR 233.20(a)(3)(i)(B); and the Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994.

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

ORIGINAL
For use by Secretary of State only

STD. 400 (REV. 2-91)

AGENCY

California Department of Social Services

AGENCY FILE NUMBER (If any)
1193-45

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 94-0322-06E	PREVIOUS REGULATORY ACTION NUMBER
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For use by Office of Administrative Law (OAL) only

ENDORSED
APPROVED FOR FILING
AND PUBLICATION

APR - 1 1994

Office of Administrative Law

NOTICE

REGULATIONS

FILED

In the office of the Secretary of State
of the State of California

APR 1 1994

At 3:35 O'clock P.M.
TONY MILLER, Acting Secretary of State.By Roberta Cornick
Deputy Secretary of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	
<input type="checkbox"/> Other <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action					
OAL USE ONLY		ACTION ON PROPOSED NOTICE		NOTICE REGISTER NUMBER	
		<input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

TITLE(S)	ADOPT
MPP	
SECTIONS AFFECTED	AMEND 63-407.58 and .862 REPEAL

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346)
 ☐ Resubmittal
 ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)
 ☒ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only
 ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

Not Applicable

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State
 ☒ Effective on filing with Secretary of State
 ☐ Effective other (Specify)

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399)
 ☐ Fair Political Practices Commission
 ☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON

Frank Vitulli, Asst. Bureau Chief, Regulations Development Bureau

TELEPHONE NUMBER

(916) 657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Eloise Anderson

TYPED NAME AND TITLE OF SIGNATORY

Eloise Anderson, Director

DATE

MAR 18 1994

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for re adoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Amend Sections 63-407.58 and 63-407.862 to read:

63-407 WORK REGISTRATION REQUIREMENTS (Continued)

63-407

.5 Failure to Comply (Continued)

.58 Conciliation

The CWD shall determine if there is good cause and attempt to resolve the problems when a work registrant fails to comply with the FSET Program requirements specified in Section 63-407.41. The conciliation period shall begin on the day following ~~the CWD's~~ discovery of the noncompliance by the CWD employee(s) responsible for administering FSET conciliation and shall not exceed 30 calendar days.

.581 The CWD shall inform the registrant in writing of his/her opportunity to both demonstrate good cause for the noncompliance and to avoid Food Stamp sanctions by performing a verifiable act of compliance. The CWD shall issue the notice within ~~four~~ seven working days of the beginning of conciliation. The notice shall: (Continued)

(c) ~~State~~ Provide that within the conciliation period, the registrant shall contact the CWD either in person, by mail or by telephone to provide any information which demonstrates good cause for the noncompliance present the reason(s) for the noncompliance and to learn whether such reason(s) constitute good cause in accordance with Section 63-407.57.

~~111~~ The registrant shall be told of the need to provide this information within six working days following issuance of the notice required by Section 63-407.581/ (Continued)

(e) Specify that if a determination of no good cause is made, the registrant can avoid Food Stamp sanctions by complying with program requirements.

(1) The notice shall describe the specific actions the registrant must take to achieve compliance and identify the date by which compliance must be achieved if sanctions are to be avoided.

(A) As specified in Section 63-407.584(a), this date is the final day of the 30-calendar-day conciliation period.

(f) Describe those costs identified in Section 63-407.83 for which the registrant may be reimbursed if such costs are necessary to enable the registrant to provide good cause information or achieve compliance within conciliation.
(Continued)

.582 The CWD shall determine whether good cause existed for the noncompliance either on the sixth working day following issuance of the notice required by section 63-407.581 or upon contact by the registrant, whichever occurs first. Good cause shall be determined as specified in accordance with Section 63-407.57.
(Continued)

(b) Nothing in section 63-407.582 shall prevent the registrant from submitting good cause information at any time within the period of conciliation.

(1) When the registrant subsequently submits good cause information within the period of conciliation, such information shall be considered by the CWD and may result in the reversal of a no good cause determination. (Continued)

1584 If the CWD determines that no good cause existed for the noncompliance, the CWD shall issue a notice informing the registrant of the no good cause determination and of the opportunity to avoid food stamp sanctions by complying with program requirements. The notice shall be issued within three (3) working days of the cause determination and shall:

(a) Specify that the individual has been determined to be without good cause for failure to comply with program requirements;

(b) Identify the program requirement with which the individual has failed to comply;

(c) Remind the individual that conciliation shall not exceed 30 calendar days from the date the CWD discovered the noncompliance as specified in section 63-407.581;

(d) Describe the specific actions the registrant must take to achieve compliance and avoid sanctions;

(e) Identify the date by which compliance must be achieved if sanctions are to be avoided;

(1) As specified in section 63-407.583, this date is the final day of the 30-calendar-day conciliation period;

(2) Describe those costs identified in section 63-407.83 for which the registrant may be reimbursed if such costs are necessary to enable the registrant to achieve compliance during the period of conciliation;

(g) Identify the consequences of failing to comply by the end of conciliation.

~~.5854~~ ~~Following a determination of no good cause as specified in~~
~~Section 63-407.584~~ When the CWD determines that no good cause
existed for the noncompliance, the registrant must perform a
verifiable act of compliance if Food Stamp sanctions are to be
avoided. Verbal commitment is not sufficient unless the
registrant is prevented from complying by circumstances beyond
his/her control such as the unavailability of a suitable
component. (Continued)

(b) Actions required for successful conciliation ~~shall~~ shall
be limited to those which can be accomplished within the
30-day time limit set forth in Section 63-407.58.
(Continued)

~~.5855~~ If the registrant fails to comply by the end of conciliation, the
CWD shall provide the individual or household with a ~~notice~~ notice of
action informing them of the disqualification. (See Section 63-
407.56 for a description of this notice.)

(a) The notice shall be issued ~~on~~ no later than the final day
of conciliation.

(b) When the notice is issued prior to the end of conciliation
and the CWD subsequently verifies that good cause existed
for the noncompliance, or that compliance was achieved by
the end of conciliation, the notice shall be cancelled.

(c) Notwithstanding Section 63-407.56, the period of
disqualification shall not begin prior to expiration of the
30-calendar-day conciliation period identified in Section
63-407.58. (Continued)

.8 Food Stamp Employment and Training Program (Continued)

.86 Failure to Comply (Continued)

.862 Individuals who or households which are disqualified for failure
to comply with the requirements of the FSET Program shall be
notified as specified in Sections 63-407.56 and ~~.5855~~.
(Continued)

Authority Cited: Sections 10553, 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.1(d)(2); 7 CFR 273.7(d)(1)(ii)(A) and (E); 7 CFR
273.7(f), (f)(1)(vi), (f)(2), and (f)(4)(ii); and 7 CFR
273.7(g)(1)(ii) and (iii).

EMERGENCY
NOTICE PUBLICATION/REGULATIONS SUBMISSION(See instructions on
reverse)

STD. 400 (REV. 2-91)

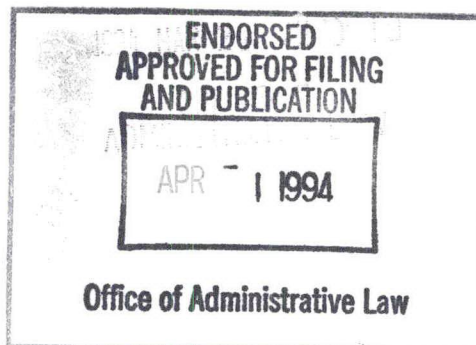
AGENCY

California Department of Social Services

AGENCY FILE NUMBER (If any)
RDB#1093-44

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 94-0322-02E	PREVIOUS REGULATORY ACTION NUMBER
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For use by Office of Administrative Law (OAL) only



NOTICE

REGULATIONS

Original
For use by Secretary of State only**FILED**In the office of the Secretary of State
of the State of California

APR 1 1994

At 3:35 O'clock P.M.
TONY MILLER, Acting Secretary of StateBy Roberta Cornick
Deputy Secretary of State**A. PUBLICATION OF NOTICE** (Complete for publication in Notice Register)

1. TOPIC OF NOTICE Cal-Learn Program		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S)** (Including title 26, if toxics-related)

TITLE(S) MPP	ADOPT Sections 42-762, 42-763, 42-764, 42-765, 42-766, 42-767, 42-768, and 42-769
SECTIONS AFFECTED	AMEND Section 82-836
	REPEAL

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☒ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify) _____

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)**4. EFFECTIVE DATE OF REGULATORY CHANGES** (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State ☐ Effective on filing with Secretary of State ☒ Effective other (Specify) April 1, 1994

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☒ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify) _____

6. CONTACT PERSON

Frank Vitulli, Assistant Bureau Chief, Regulations Development Bureau

TELEPHONE NUMBER

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Eloise Anderson

TYPED NAME AND TITLE OF SIGNATORY

Eloise Anderson, Director

DATE

March 21, 1994

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN
REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Adopt new Section 42-762 to read:

42-762 INTRODUCTION TO THE CAL-LEARN PROGRAM

42-762

HANDBOOK BEGINS HERE

.1 Background

Social science research has established a strong connection between teenage parenting and long-term welfare dependency. Health research also indicates a strong relationship between early childbearing and increased maternal and infant morbidity and mortality. Senate Bill (SB) 35, Chapter 69, Statutes of 1993, and Senate Bill (SB) 1078, Chapter 1252, Statutes of 1993, established the Cal-Learn Program to address the unique educational, vocational, training, health, and other social service needs of Aid to Families with Dependent Children (AFDC) dependent teenage parents to help them achieve self-sufficiency. As part of the California Work Pays Demonstration Project (CWPDP), the Cal-Learn Program serves AFDC recipients under 19 years old who are custodial parents or pregnant. To encourage these teen parents to stay in or return to high school or an equivalent program and earn a diploma or its equivalent, the Cal-Learn Program provides fiscal incentives and disincentives as well as needed supportive services and intensive case management.

.2 Outline of the Major Program Requirements

The major program requirements of the Cal-Learn Program are as follows:

- .21 Each teen parent will be required to attend full-time school programs that will lead to a high school diploma or equivalent until they earn a high school diploma or its equivalent or turn 19 years old.
- .22 An assistance unit (AU) with a teen parent or parents will receive up to four \$100 bonuses each calendar year for each teen parent that makes satisfactory progress in their school program.
- .23 Each teen parent receiving a high school diploma or its equivalent will receive a \$500 bonus.
- .24 An AU with a teen parent or parents will receive a \$100 sanction up to four times each calendar year for each teen parent who fails to make adequate progress in their school program without demonstrating good cause.
- .25 Child care, transportation and ancillary expense payments will be provided to enable a teen parent to continue in or enroll in school.
- .26 Intensive case management services modeled on the Adolescent Family Life Program (AFLP) will be provided which will include linking each teen parent to needed health and social services available in the teen parent's community.

- .261 The services provided under the AFLP case management model are a process which assists the teen parent to receive needed services within a multi- and transdisciplinary network in an efficient, supportive and effective manner. Case management is teen parent-centered, culturally appropriate and goal-oriented. It is interactive, involving the teen parent and the teen parent's family, significant others and support persons as equal partners with the case manager in identifying needs and defining ways to meet those needs. Building interpersonal relationships among teen parents, case managers and others is both a method and goal of case management.

HANDBOOK ENDS HERE

.3 Definition for Terms Used in The Cal-Learn Program

- a. (1) "Adequate progress" means making a "D" (1.0) grade point average on a report card.
- (2) "Ancillary expenses" means expenses a teen parent needs to attend and/or graduate from high school or its equivalent. This includes, but is not limited to, school books, GED testing costs, laboratory fees, etc.
- (3) "AFLP" means the Adolescent Family Life Program.
- (4) "CWPD" means the California Work Pays Demonstration Project..
- (5) "AU" means assistance unit.
- b. (1) "Bonus" means a payment of money that is made as part of the AU's cash aid for a teen parent making satisfactory progress in the teen parent's educational program.
- c. (1) "CDHS" means the California Department of Health Services.
- (2) "CDSS" means the California Department of Social Services.
- (3) "Control group" means an evaluation group of teen parents who shall not participate in Cal-Learn.
- (4) "CWD" means the county welfare department.
- d. (1) "Deferred" means a teen parent who is not required to participate in the Cal-Learn Program in accordance with the deferral criteria. A deferred teen parent receives case management services but is not subject to sanctions, eligible for bonuses or supportive services.
- e. (1) "Exempt" means an individual who is not required to participate in accordance with the Cal-Learn exemption criteria. An exempt individual receives no services and is not subject to sanctions or eligible for bonuses.

f. Reserved

g. (1) "GAIN" means the Greater Avenues for Independence.

 (2) "GED" means a General Education Development examination.

h. (1) "Head of the AU" is the caretaker relative in the AU.

i. (1) "Independent living" means a person no longer receiving public aid.

j. through g. Reserved

r. (1) "Report card" means a periodic report on a teen parent's academic achievement routinely issued by a school.

s. (1) "Sanction" means the reduction in the cash aid payment for the AU based on the Cal-Learn sanction criteria.

 (2) "Satisfactory progress" means making at least a "C" (2.0) grade point average on a report card.

 (3) "Special need" under this section means an event or condition which clearly and directly prevents a teen parent from making adequate progress in school or earning a diploma.

 (4) "Supportive services" means transportation, child care and ancillary expenses needed by a teen parent to attend their educational program.

t. (1) "Teen parent" means a person who is not exempt, meets the following eligibility criteria, and has entered the Cal-Learn Program. An individual who has entered the program under Section 42-764.1.

 (A) Is an AFDC recipient who is under the age of 19; and

 (B) Has not obtained a high school diploma or its equivalent; and

 (C) Resides with his or her child in the same AU; or

 (D) Is pregnant.

u. through z. Reserved

.4 Federal Demonstration Project

.41 The United States Department of Health and Human Services (USDHHS) chose four counties to participate in the CWPDP. These four CWDs shall comply with the Cal-Learn Program research procedures throughout the duration of the demonstration project.

- .42 The CWD shall provide adequate notification to GAIN registrants who have been assigned to the Cal-Learn evaluation control group.
- .43 The designation and treatment of the control group shall be accomplished pursuant to the project's mandated parameters outlined in the Federal Terms and Conditions as approved by the USDHHS.
- .431 Designation and treatment of the control groups members shall be limited to control group members residing within the four research counties.
- .432 A break-in-aid shall not affect a teen parent's status in the research project as long as the member continues to reside in a research county.

.5 Data Collection

The CWD shall ensure data is collected and submitted in accordance with CDSS statistical reporting requirements. The data shall include, but not be limited to, the following:

- (a) Number of individuals subject to the Cal-Learn Program.
- (b) Number of teen parents entering the Cal-Learn Program.
- (c) Number of teen parents transferring from other counties.
- (d) Number of teen parents receiving a high school diploma or equivalent.
- (e) Number of teen parents who are deferred or exempted from the Cal-Learn Program and the reason for deferrals or exemptions.
- (f) Number of teen parents children receiving child care services by type of provider.
- (g) Number of teen parents receiving transportation payments.
- (h) Number of teen parents receiving ancillary expense payments.
- (i) Number of teen parents receiving a bonus, separated by \$100 and \$500 bonuses.
- (j) Number of teen parents receiving a sanction.

.6 CWD Responsibilities

The CWD shall perform the following. The CWD shall not contract, delegate or otherwise transfer the responsibility to perform all or part of the following duties:

- .61 Good cause determination under Section 42-768;
- .62 Exemption determination under Section 42-763.2;

.63 Deferral determination under Section 42-763.3;

.64 Sanction determination under Section 42-769;

.65 Bonus determination under Section 42-769;

.66 Issuance of bonuses under Section 42-769; or

.67 Reduction of a grant under Section 42-769 due to a sanction determination.

.7 Federal AFDC Eligibility

Individuals who have entered the Cal-Learn Program who are pregnant with no other children shall be federally eligible for AFDC during their first and second trimesters of pregnancy.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10852, 10853, 11331.5(c), 11332, and 11333.7(a), (b) and (c), Welfare and Institutions Code; SB 35, Chapter 69, Statutes of 1993, as amended by SB 1078, Chapter 1252, Statutes of 1993; 45 CFR 250.10(c), 45 CFR 250.40(a), 45 CFR 282; 42 USC Section 1315; and Federal Waiver Terms and Conditions for the California Work Pays Demonstration Project, March 1994.

Adopt new Section 42-763 to read:

42-763 CAL-LEARN PROGRAM ELIGIBILITY AND PROGRAM PARTICIPATION
REQUIREMENTS

42-763

.1 Eligibility

.11 Individuals who meet the following conditions shall be registered for the GAIN Program and shall be required to participate in the Cal-Learn Program unless exempt under Section 42-763.2.

.111 Is an AFDC recipient who is under the age of 19; and

.112 Has not obtained a high school diploma or its equivalent; and

.113 Resides with his or her child in the same AU; or

.114 Is pregnant and the pregnancy is verified under Section 80-301(m)(2).

.12 An individual assigned to a control group under Section 42-762.4 shall not be eligible for the Cal-Learn Program for the duration of the research period unless he or she moves to a county that is not participating in the research project under Section 42-762.4.

.13 An individual assigned to the Basic Education Study in Riverside County shall not be eligible for the Cal-Learn Program for the duration of the individual's random assignment to this study.

.2 Exemption

Individuals meeting the following requirements shall be exempt from GAIN registration and the Cal-Learn Program. An exemption shall be granted by the CWD if the individual:

.21 Has a serious illness, injury, or incapacity that prevents the teen parent from meeting the Cal-Learn Program requirements of enrolling in school and attending full-time under Section 42-763.71 for a period of more than three months.

.211 The exemption based on illness, injury or incapacity shall be supported by a written statement from a physician or a licensed or certified psychologist and includes the following:

(a) A description of the individual's condition;

(b) An explanation of why the individual's condition prevents him or her from meeting program requirements;

(c) The expected duration of the condition;

(d) The date of the next scheduled examination or appointment; and

(e) The doctor's name, address and phone number.

.212 When a written statement cannot be obtained timely for reasons beyond the control of the individual, an oral statement from the physician or the licensed or certified psychologist with the information required in this section shall be accepted pending written verification up to a maximum of 60 days.

(a) The oral statement shall be documented and shall include:

(1) The date the oral statement was obtained;

(2) The name of the person who supplied the oral statement;

(3) The person who obtained the oral statement; and

(4) A description of the statement.

.22 Is expelled from school and enrollment in any alternative school cannot be arranged.

.221 The individual or the head of the AU shall provide written verification from the school district in which the individual is a resident that no school in the individual's district will permit the individual to enroll.

.23 Needs Cal-Learn Program paid child care and/or transportation in order to meet Cal-Learn Program requirements and the service is not available for a period of three or more months.

.24 Cannot receive payment for child care or transportation expenses due to lack of program funding.

.25 Is eligible for AFDC-FC and payment is being made on behalf of the individual.

.3 Deferral

Teen parents who are unable to meet Cal-Learn Program requirements due to the following deferral criteria shall be deferred from the Cal-Learn participation until the CWD determines that the situation requiring deferral no longer exists. Deferral shall be granted by the CWD if the teen parent:

.31 Needs supportive services under Section 42-765 which are temporarily not available.

.32 Cannot be provided case management services.

.33 Has a special need that substantially deprives the teen parent's ability to meet program requirements or be successful in earning a high school diploma or its equivalent, and the special need cannot be addressed.

.331 To qualify for a special need deferral, the teen parent must be severely restricted by factors beyond the teen parent's control to attend school and no home study or other special arrangements can be made with the school.

(a) Beyond the control of the teen parent shall include, but not be limited to, acts of nature such as fire, earthquake, flood, death of a child or parent, child is hospitalized, child or teen parent is seriously ill or injured.

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(b) EXAMPLE:

Sara suffered an injury in a car accident for which her physician stated she would be unable to attend school for six weeks. However, the physician stated that Sara would be able to continue her school work at home in two weeks. Sara's case manager contacted Sara's school and was able to arrange a home study program which gave Sara the ability to make adequate progress for the report card period. Sara does not qualify for a deferral.

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.332 Documentation under Sections 42-763.211 or .212 shall be required for a special needs deferral which is an illness, injury or incapacity.

(a) Documentation shall be accepted from a physician, licensed or certified psychologist, licensed Marriage Family and Child Counselor or a Licensed Clinical Social Worker.

.34 Has been prescribed a period of time for postpartum recovery after the birth of a child by a physician.

.341 Documentation under Section 42-763.332 shall be required for the postpartum recovery deferral.

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.4 Individuals exempt or deferred from the Cal Learn Program are not exempt or deferred from attending school. The California Education Code (CEC), Section 48200 provides that each person between the ages of 6 and 18 years, not exempted under Chapters 2 or 3 of the CEC, is subject to compulsory full-time education.

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.5 Documentation, Review and Notification

CWDs or case managers shall:

.51 Document the estimated duration of the exemption or deferral status.

- .511 The CWD or case manager shall verify submitted documentation if authenticity is in doubt or when the information is inconsistent with information that is known.
- .52 Review exemption status at the end of the projected length of time of the exemption, or upon the request of the individual or head of the AU, but no less often than every six months.
- .53 Review deferral status at the end of the projected length of the deferral, or upon the request of the teen parent or head of the AU, but no less often than every three months.
- .54 Notify a teen parent and the head of the AU when a teen parent is exempt or deferred from the Cal-Learn Program and of the right to have the exemption or deferral reviewed.
- .6 Service Provisions
- .61 Exempt individuals shall not be eligible to receive Cal-Learn supportive services under Section 42-765, case management services under Section 42-766, or bonuses or sanctions under Section 42-769.
- .62 Deferred teen parents shall not be eligible to receive Cal-Learn supportive services under Section 42-765 and sanctions and bonuses under Section 42-769. Deferred teen parents shall receive case management under Section 42-766 except for teen parents who are deferred due to case management not being available.
- .7 Participation Requirements
- Teen parents shall:
- .71 Enroll and attend full-time (as defined by the school) in a school program which shall lead to a high school diploma or its equivalent.
- .711 For the purposes of the Cal-Learn Program, high school equivalency programs shall include, but not be limited to, preparation classes for the GED examination and the California high school certificate of proficiency examination.
- .712 Vocational training programs which are not part of a high school or its equivalent curriculum shall not meet the Cal-Learn participation requirements.
- .713 Except as provided in Section 42-763.714, teen parents who are enrolled in a program which has no "full-time" definition shall participate in a minimum of 10 hours of school activity per week during each week that participation is required.
- .714 When a teen parent is enrolled in a school program which cannot provide a minimum of 10 hours per week of school activity, the AU shall provide written verification from the school in which the teen parent is enrolled confirming this limitation.

.72 Participate in the Cal-Learn Program until the end of the month in which the teen parent turns age 19 or until either a high school diploma or its equivalent is earned.

.73 Assist in the development of the case plan including a report card submittal schedule as part of the case plan under Section 42-766.33.

.74 Submit report cards to the case manager.

.741 A teen parent shall be responsible for submitting the report card to the teen parent's case manager within 10 working days from the date the report card is issued.

.8 Break In Program Participation

When a teen parent has a break-in-aid or is exempted from the program for 90 days or more, the following conditions shall be met.

.81 The teen parent shall be rescheduled for orientation and shall be provided program requirements under Section 42-764.2; and

.82 The teen parent shall participate in the Cal-Learn Program for 90 calendar days under Section 42-766.334 before being eligible for bonuses or subject to sanctions under Section 42-769.

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.83 Example: Bill is discontinued effective February 28. He remains in school and is reinstated effective June 2. His report card for the school term ending June 30 indicates satisfactory progress. Bill is not eligible for a bonus because his break-in-aid was for more than 90 days and he has not participated for 90 days after his AFDC was reinstated.

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Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11450, 11331.5, 11331.7, 11332, 11332.5(a)(3), 11333.7(a), (b)(1) and (d), 11334.2, and 11450, Welfare and Institutions Code; 45 CFR 250.40(a) and 45 CFR 282; and 42 USC Section 1315.

Adopt new Section 42-764 to read:

42-764 NOTIFICATION AND ORIENTATION

42-764

.1 Notification

When a CWD determines that an individual is required to participate in the Cal-Learn Program, a Cal-Learn Program notice shall be sent to both the individual and the head of the AU with an appointment date for the Cal-Learn eligible individual to attend orientation under Section 42-764.2.

.11 The notice shall include:

.111 A general description of the Cal-Learn Program;

.112 A description of the supportive services and case management services provided to teen parents;

.113 A statement that the notice is not notification of program requirements and that Cal-Learn Program requirements shall be provided during the teen parent's orientation; and

.114 The date the individual has been scheduled for orientation.

.2 Orientation

A Cal-Learn orientation shall be scheduled and provided to teen parents.

.21 In addition to written and oral descriptions of the program under Sections 42-764.111 and .112, orientation shall also provide the teen parent written and oral descriptions of the following:

.211 Cal-Learn Program participation requirements under Section 42-763.7;

.212 A description of the Cal-Learn Program exemption and deferral criteria and an explanation that a Cal-Learn Program exemption or deferral does not provide an exemption from attending school under the California Education Code.

.213 The Cal-Learn bonuses and sanctions, and the consequences of failing to make adequate progress; and

.214 The right to show good cause for failing to demonstrate adequate progress.

.215 The consequences of a break-in-aid.

.22 No later than 30 days after the teen parent attends orientation, the head of the AU shall be sent a notice containing a Cal-Learn Program description and the program requirements under Section 42-764.21.

.23 When a teen parent fails to attend the scheduled orientation, the teen parent and the head of the AU shall be sent a notice containing a Cal-Learn Program description and the program requirements under Section 42-764.21 no later than 5 working days after the scheduled orientation.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11332.5(a)(5) and 11334.2, Welfare and Institutions Code, 45 CFR 250.40(a), and Section 48200, California Education Code.

Adopt new Section 42-765 to read:

42-765 SUPPORTIVE SERVICES

42-765

.1 Supportive Services Provisions

Teen parents shall receive child care, transportation and ancillary expenses under Section 42-750. The procedures under Section 42-750 shall be used for the payment of supportive services and the collection of an unused portion of an advance supportive service payment.

.11 Supportive services shall be limited to those services teen parents need to attend their school programs regularly.

.2 Overpayments and Underpayments

The procedures under Section 42-751 shall be used for the issuance of underpayments and the collection of overpayments.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11323.4 and 11331.7(a), Welfare and Institutions Code and 45 CFR 255.4(j).

Adopt new Section 42-766 to read:

42-766 CAL-LEARN CASE MANAGEMENT SERVICES

42-766

.1 Case Management

.11 Case management services shall be provided to each teen parent in the Cal-Learn Program.

.111 Case management services shall provide assistance to teen parents to obtain:

(a) The educational services necessary to earn a high school diploma or its equivalent.

(b) Health and social services, including, but not limited to those designed to:

(1) Reduce the incidence of maternal and child morbidity and mortality, including the incidence of low birthweight infants;

(2) Enhance the teen parent's parenting skills;

(3) Facilitate an effective ongoing relationship between the teen parent, the noncustodial parent and the child where it is in the best interest of the child and the teen parent; and

(4) Assess the suitability of the teen parent's living situation including, but not limited to, the physical and emotional health and safety of the teen parent and child.

.12 Standards for Case Managers

.121 Case managers shall possess an expertise in the education, training and other social and health service needs of teen parents, as well as the local programs that provide these services.

(a) Training shall be provided to case managers to develop and update the required expertise.

.122 Case managers shall have sufficient time to provide the needed case management services to teen parents.

.13 Provision of Case Management Services

.131 Adolescent Family Life Program (AFLP) Contracting Requirement

Except as provided in Section 42-766.132, the CWD shall contract with an existing AFLP provider for case management services.

.132 Exceptions to Contracting With AFLP

The CWD may contract with other public or nonprofit agencies or school districts for all or part of case management services or may provide all or part of case management services directly only when one of the following conditions exist:

- (a) AFLP services are not available; or
- (b) AFLP services are not cost-effective; or
- (c) The CWD has an existing GAIN teen parent program operating under an approved GAIN County Plan.

.133 Requirements When Not Contracting With AFLP

When case management services are provided by the CWD or by an agency which is not administering an AFLP, the following conditions shall be met:

- (a) The services shall conform to the standards and scope of the services provided through the AFLP as determined by CDHS; and
- (b) The Cal-Learn County Plan as specified in Section 42-767 shall include justification for not contracting with the AFLP under Section 42-767.121(a); and
- (c) The services shall be designed with the cooperation of the local county health agency.

.2 Case Manager

General responsibilities for the case manager shall include the following:

- .21 Provide referrals to appropriate community services needed to assist the teen parent to continue in or return to school.
- .22 Monitor each teen parent through monthly contacts with the teen parent, collateral and/or service providers to determine the effectiveness of service provision. Assess progress toward case plan goals and make the necessary changes to improve the teen parent's program.
- .23 Act as a counselor, colleague, and role model so that each teen parent has someone to trust and to turn to for advice, guidance and ideas.
- .24 Ensure that each teen parent understands the program requirements and consequences of not making adequate or satisfactory progress.
- .25 Identify the need for and method of providing supportive services under Section 42-765.
- .26 Develop a case plan under Section 42-766.3 to assist the teen parent to graduate from high school or its equivalent.

.27 Provide program exemption, program deferral, good cause, bonus and sanction determinations or recommendations.

.271 Case managers who are not CWD employees shall provide the CWD with a recommendation and supporting documentation.

.272 CWDs shall make the appropriate determination.

.28 Make reasonable efforts to reach teen parents who are not making adequate progress.

.3 Case Plan

The case manager shall develop a case plan. The case plan shall include, but not be limited to, the following:

.31 Planned intervals of contacts and visits between the case manager and the teen parent, and the head of the AU, as appropriate.

.311 At a minimum, the intervals shall include monthly contacts and quarterly case plan reviews with the teen parent.

.32 A description of the teen parent's school program.

.322 For a teen parent not enrolled in and/or attending school, the date the teen parent shall be expected to be enrolled in and attending school shall be documented.

.33 A report card submittal schedule containing no more than four calendar dates per 12-month period on which the teen parent shall be required to submit a report card to the case manager.

.331 Teen parents in school programs which routinely issue 4 or less report cards in a 12-month period shall be required to submit the number of report cards issued.

.332 When a teen parent fails to participate in the development of the case plan, the case manager shall establish a report card submittal schedule containing four dates within the 12-month period.

.333 The date for submission of report cards shall be 10 working days from the date the report card is issued by the school.

.334 For purposes of bonuses and sanctions under Section 42-769, the requirement to submit a report card shall not begin until the teen parent has been required to participate in the Cal-Learn Program for 90 calendar days.

(a) The 90-day period begins the first day of the month after one of the following conditions are met.

(1) The date the teen parent attended orientation.

- (2) The date the teen parent and head of the AU were sent program notification under Section 42-764.23.

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- (b) Example: Sara was notified of the requirements to participate in the Cal-Learn Program during orientation in September. She receives a report card in January. She is required to submit this report card to her case manager.
- (c) Example: Maryanne did not attend orientation and was subsequently sent a notice of the Cal-Learn Program requirements in March. She receives a report card in May. She is not required to turn in this report card. She subsequently received a report card in November, which she is required to submit.

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- (d) When a break in participation of less than 90 days occurs during the 90-day participation period, the days of the break shall not be counted as part of the 90-day participation period.

- (1) A break in participation shall be a break-in-aid or a Cal-Learn exemption.

.34 Supportive services to be provided to the teen parent.

.35 Documentation of referrals to or provision of services to the teen parent including those in Section 42-766.111.

.351 The documentation shall include whether the referred service was provided to the teen and the outcome of service provision.

.4 Report Card Submittal Schedule Notification and Case Plan Update

.41 The teen parent's report card submittal schedule under Section 42-766.33 shall be sent to the teen parent and the head of the AU within 30 days from either the date the teen parent attended orientation or the date the teen parent and the head of the AU were sent program notification under Section 42-764.23.

.42 Following a teen parent's deferral or break in participation of less than 90 days, the case manager shall review and update the teen parent's report card submittal schedule.

.421 The schedule shall be sent to the teen parent and the head of the AU within 10 working days from the date the case manager was informed by the CWD that the teen parent's break or deferral ended.

- .43 The case manager shall review and update the case plan as necessary, but no less than every three months.

.5 Exemption and Deferral Determination

- .51 If it has not been determined prior to the development of the case plan or if the teen parent's circumstances change, the case manager shall determine if the teen parent shall be exempt under Section 42-763.2 or deferred under Section 42-763.3 from the Cal-Learn Program.

- .52 When a case manager who is not a CWD employee finds that a teen parent should be exempt or deferred, the case manager shall make a recommendation to the CWD and provide substantiating documentation.

- .521 The CWD shall review the case manager's documentation and recommendation to determine if the teen parent shall be exempt or deferred.

.6 Determination of School Progress

Case managers shall determine if report cards are submitted as required in the teen parent's report card submittal schedule under Section 42-766.33 and shall review report cards to determine school progress for the purposes of a bonus or sanction.

.61 Case Manager Is Not A CWD Employee

To initiate a bonus or sanction, the case manager shall provide the CWD with the recommendation and the documentation, including the report card, which substantiates the recommended action.

.62 Report Card Determination of Adequate and Satisfactory Progress

For the purpose of determining adequate and satisfactory progress for report cards under Section 42-766.33, adequate progress shall mean maintaining a grade point average of at least 1.0 and satisfactory progress shall mean maintaining a grade point average of 2.0 and above on a scale where A equals 4.0 points and F equals 0 points.

.621 Report Cards Containing Letter Grades

When a report card containing letter grades is provided without that report's grade point average or individual letter grade point values, the report card's grade point average shall be computed by giving each grade a point value as specified below:

- (a) A+, A, A- equal 4.0
B+, B, B- equal 3.0
C+, C, C- equal 2.0
D+, D, D- equal 1.0
F, Incomplete equal 0

.622 Report Cards Without Letter Grades

When report cards do not contain letter grades, or the school providing letter grades has an alternative method of determining adequate and satisfactory progress, satisfactory and adequate progress shall be determined by the school's regular assessment of periodic progress.

.623 For the purposes of this section, only grades contained on the submitted report card shall be used for grade point average determination. Cumulative grade point averages shall not be used.

.63 Report Cards Submitted as Required

When the teen parent submits the report card as required, the case manager shall take the following action:

.631 Satisfactory Progress

Initiate the \$100 bonus for the AU when the report card reflects satisfactory progress under Section 42-766.62.

(a) The case manager shall initiate a bonus as soon as administratively possible, but no later than 5 working days from the date:

(1) The report card was submitted as required on the report card submittal schedule; or

(2) It has been determined that the teen parent had good cause for late report card submittal under Section 42-766.641; or

(3) The case manager received a completed grade or at the end of the time period identified under Section 42-766.65.

(b) The \$100 bonus shall not be initiated when the teen parent will receive the \$500 bonus under Section 42-766.8 for the same report card period.

.632 Adequate Progress

Notify the head of the teen parent's AU that the report card reflects adequate progress and that no grant adjustment shall be made when the report card reflects adequate progress under Section 42-766.62.

.633 Failure to Demonstrate Adequate Progress

Make reasonable efforts as specified in Section 42-766.7 when the report card does not reflect that the teen parent is demonstrating adequate progress under Section 42-766.62.

- (a) . If a good cause determination is not requested within the 10-day reasonable efforts period, the case manager shall initiate the \$100 sanction.
- (b) If a good cause determination is requested within the 10-day reasonable effort period, the case manager shall make a good cause determination.
 - (1) If good cause is found, the case manager shall not initiate the \$100 sanction.
 - (2) If good cause is not found, the case manager shall initiate the \$100 sanction.

.64 Report Cards Not Submitted as Required

When a teen parent fails to submit a report card as required, the case manager shall make reasonable efforts under Section 42-766.7.

.641 Good Cause Found for Late Submittal

If the teen parent submits the report card within the 10-day reasonable effort period, and it is determined that there was good cause for late submittal, the case manager shall treat the report card as having been submitted as required under Section 42-766.63.

.642 Good Cause Not Found for Late Submittal

If the report card is submitted within the 10-day reasonable effort period, but good cause for late submittal is not found, the sanction shall be reduced to \$50 when:

- (a) The report card reflects adequate progress or better, or
- (b) The teen parent showed good cause for a report card which did not reflect adequate progress.

.643 Report Card Not Submitted

The case manager shall initiate the \$100 sanction under Section 42-769.2 when the teen parent does not turn in the required report card by the end of the 10-day reasonable effort period.

.65 Report Cards Containing Incomplete Grades

When a teen parent submits a report card containing an incomplete grade(s) which could affect the eligibility of a bonus or sanction, the CWD shall follow the procedure under either Sections 42-766.651 or .652. The option chosen shall be established countywide.

.651 A bonus or sanction shall not be initiated until after 45 calendar days from the date the incomplete report card was received by the case manager. A completed grade(s) may be submitted during the time period established by the teen parent's school for completing grades.

(a) Adequate and satisfactory progress shall be determined using the grades received by the end of the 45-day period beginning on the date the case manager received the report card containing the incomplete grade(s).

(b) The teen parent's eligibility of a bonus or sanction shall be determined again when a completed grade is submitted after this 45-day period, but within the time period established by the teen parent's school for completing grades.

(c) The case manager shall treat the report card as having been submitted as required under Section 42-766.63.

.652 A bonus or sanction shall not be initiated until after the time period established by the school the teen parent is attending for completing grades.

(a) Adequate and satisfactory progress shall be determined using the grades received by the end of the school's allowable time period and the case manager shall treat the report card as having been submitted as required under Section 42-766.63.

.653 Within 5 working days from the date the case manager received the incomplete report card under Sections 42-766.651 or .652, the case manager shall send a notice to the teen parent and the head of the AU explaining the CWD's procedure for submitting a completed grade and the consequences of not submitting a completed grade.

.66 Notification of Failure to Participate

If good cause is not found for failure or refusal to comply with program requirements on the part of the teen parent, the case manager shall inform the teen parent and the head of the AU of the consequences of not participating and provide the teen parent with the telephone number and address of the local welfare rights organization or legal aid society should the teen parent need further assistance.

.67 Conclusion of Cal-Learn Participation

.671 A teen parent shall not participate in the Cal-Learn Program after the end of the month in which the teen parent turns 19 years old.

- (a) When the teen parent qualifies for a \$100 or \$500 bonus or a sanction before the end of the month in which the teen parent turns 19 years old and the action was not initiated before the end of that month, the case manager shall initiate the bonus or sanction after the end of that month.
- (b) The case manager shall not initiate a bonus or sanction for a report card period that ends after the month the teen parent turns age 19.
- (c) When a teen parent ends participation due to turning age 19 or when the teen parent earns a high school diploma or its equivalent, the case manager shall notify the teen parent that the teen parent is no longer in the Cal-Learn Program.

.672 When it is known to the case manager that a teen parent is approaching the end of participation in the Cal-Learn Program, the case manager shall assist the teen parent in transitioning to independent living or to participation in GAIN.

.7 Reasonable Efforts

When a teen parent fails to make adequate progress, either by submitting a report card reflecting less than adequate progress or by not submitting a report card as required, within 10 working days from the date the teen parent failed to make adequate progress the case manager shall:

- .71 Send a notice to the teen parent of the consequences of not making adequate progress.
- .72 Make reasonable efforts to reach the teen parent (and the head of the AU, if appropriate) who is in danger of continuing to fail in school or to not attend school.
- .73 Make reasonable efforts to secure a face-to-face meeting with the teen parent.
- .74 For the purposes of this section, performance of any one of the following shall constitute reasonable efforts:
 - .741 A telephone call to the teen parent;
 - .742 Personal contact with the teen parent;
 - .743 Written notification with an appointment date shall constitute reasonable efforts if the case manager does not have contact with the teen parent by telephone or by an attempt to have personal contact.
- .75 Begin a good cause determination as specified under Sections 42-768.2 and .3 when a teen parent requests a good cause determination.
- .76 Document in the case file all efforts made to reach the teen parent and arrange a face-to-face meeting under Sections 42-766.72 and .73.

.8 Teen Parent Graduates from High School

The case manager shall receive documentation submitted indicating graduation from high school or its equivalent.

.81 When graduation is verified with the school the case manager shall initiate the \$500 bonus under Section 42-769.1.

.811 The case manager shall initiate the bonus as soon as administratively possible, but not more than five working days from the date the case manager received the graduation documentation from the teen parent.

Authority Cited: Sections 10533 and 10544, Welfare and Institutions Code.

Reference: Sections 11331.5(a), (b) and (c); 11331.7; 11332; 11332.5(a), (a)(1), (a)(3) and (a)(4), (b) and (c); 11333(a), (b) and (b)(1); 11333.7, (a), (b)(1), (c), (d), (e), (f) and (g); 11334 and 11334.2, Welfare and Institutions Code; 45 CFR 250.10(c); and 45 CFR 250.40(a).

Adopt new Section 42-767 to read:

42-767 CAL-LEARN COUNTY PLAN

42-767

.1 County Plan

CWDs shall submit a Cal-Learn County Plan as part of the GAIN County Plan under Section 42-720. The Cal-Learn County Plan shall include the following:

.11 Networking

A description of services in the county currently available to teens, including:

.111 Identification of education and supportive services available to pregnant and custodial teen parents.

.112 The extent to which the programs providing these services are currently serving AFDC recipients.

.113 The resources that these programs may make available to Cal-Learn teen parents.

.114 The linkages that the CWD has established and/or plans to establish with these programs.

.12 Case Management Provision

A description of the method of providing the case management services as described in Section 42-766 and the agency or organization that shall administer these services.

.121 When all or part of the case management services are to be provided by the CWD or by an agency which is not administering AFLP, the plan shall contain the following:

(a) Justification that one of the conditions specified in Section 42-766.132 is met;

(b) Verification that the services have been designed in conjunction with the local county health agency;

(c) Case management protocols which describe the delivery of services for the AFLP Program Standards pursuant to guidelines published by CDHS;

(d) A listing of network service providers for which linkage agreements have been established; and

(e) A description of agencies organizing and participating in the network, network meeting plans, and meeting purpose.

.13 A Cal-Learn Program budget proposal shall be submitted in a format provided by CDSS and consistent with CDSS's allowable expenditure level guidelines.

.14 Caseload Description

.141 An estimate of the annual Cal-Learn caseload.

.142 A description of the method by which the caseload shall be identified and participants notified of the Cal-Learn requirements. This shall include:

(a) The schedule by which recipients of AFDC who shall be required to participate in Cal-Learn shall be phased into the CWD's program.

(b) The initial CWD plan implementing Cal-Learn shall describe the process by which the CWD shall bring existing recipients of AFDC into Cal-Learn.

.2 Coordination With AFLP

A CWD shall coordinate with the AFLP provider in the county as part of the CWD's planning process.

.21 If there are no AFLPs in the county, the CWD may either:

.211 Coordinate with the local county health agency; or

.212 Coordinate with an AFLP provider in an adjoining county.

.22 The plan shall contain a description of the CWD's coordination with AFLP.

.3 Plan Submittal

CWDs shall submit the initial Cal-Learn County Plan for CDSS review and approval no later than November 30, 1994.

.4 Plan Review

CDSS shall approve or deny the Cal-Learn County Plan no more than 60 days from the time the plan is submitted to CDSS.

.41 Any Cal-Learn County Plan which proposes to contract case management services with an agency other than an AFLP, or which proposes to offer case management services through the CWD, shall have the case management services section described in Section 42-767.11 and Sections 42-767.121(c), (d) and (e), reviewed and approved by the California Department of Health Services (CDHS). CDSS shall submit the plan to CDHS for review.

.5 Effective Date

The Cal-Learn Program shall become operative in a county on the date the plan is approved by CDSS or the date specified in the Cal-Learn County Plan, whichever is later.

Authority Cited: Sections 10533 and 10544, Welfare and Institutions Code.

Reference: Sections 11320.6 and .8, 11333(b) and (b)(1), 11333.5 and (c), and 11334.2, Welfare and Institutions Code.

Adopt new Section 42-768 to read:

42-768 CAL-LEARN GOOD CAUSE DETERMINATION

42-768

.1 Good Cause Request

Teen parents may make a request to the case manager for a good cause determination regarding failure to demonstrate adequate progress.

.11 A teen parent may request this determination prior to the turning in of a report card or during the 10-day reasonable effort period under Section 42-766.7.

.2 Good Cause Review

The case manager shall make a good cause determination when a teen parent requests such a review under Section 42-768.1.

.21 When a teen parent had a break in participation under Section 42-766.334(d)(1) during the report card period, the good cause review shall include the impact the break had on the teen parent's ability to make adequate progress.

.22 The case manager shall issue a notice containing the good cause determination to the teen parent and the head of the AU no later than 15 working days after a good cause determination was requested.

.23 When the case manager is not a CWD employee, the case manager shall review the events on which the teen parent based the request and provide a recommendation with substantiating documentation to the CWD.

.231 The CWD shall review the case manager's documentation and recommendation to determine if the teen parent does or does not have good cause.

.232 The case manager shall issue a notice to the teen parent and the head of the AU containing the good cause determination after the CWD has made a determination.

.3 Good Cause Criteria

The following shall be reasons for good cause only when the event is beyond the teen parent's control and substantially deprived the teen parent of the ability to make adequate progress in school and no home study or other special arrangements could be made with the school.

(a) The teen parent is temporarily ill or incapacitated.

(b) The teen parent is required to appear in a court proceeding or is incarcerated.

(c) Inclement weather or other act of nature precludes the teen parent and other persons similarly situated from traveling to an activity.

- (d) There is a breakdown in transportation arrangements with no ready access to alternate transportation.
- (e) The teen parent refuses to accept major medical services even if the refusal precludes participation in the program.
- (f) Licensed or exempt child care is not reasonably available during the teen parent's hours of school, including commuting time; or child care is needed for a child who meets the criteria of Section 42-750.22, but who does not meet the criteria of Section 42-750.21, and therefore is not eligible for Cal-Learn paid child care.
 - (1) "Reasonably available" child care includes having at least two choices of child care arrangements which do not require either of the following:
 - (A) Adding more than one-half hour one-way to the participant's commuting time; or
 - (B) The child to transfer to a different school.
 - (2) The choices of child care shall meet the requirements specified in Section 42-750.31.
- (g) A breakdown or interruption of child care arrangements occurs.
- (h) Suitable special needs child care is not reasonably available for children with disabilities, chronic illnesses, or other special needs.
- (i) The teen parent meets any of the exemption criteria as specified in Section 42-763.2 or deferral criteria as specified in Section 42-763.3.
- (j) The teen parent is experiencing a family crisis or change of individual or family circumstances, such as any of the following:
 - (1) Death of a spouse, parent, or child.
 - (2) Illness of a spouse or child which requires the teen parent's immediate attention.
- (k) At the discretion of the CWD, any substantial and compelling reasons other than those specified in this section.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11333.7(b)(2), Welfare and Institutions Code and 45 CFR 250.40(a).

Adopt new Section 42-769 to read:

42-769 APPLICATION OF BONUSES AND SANCTIONS

42-769

.1 Issuing the Bonus

When the CWD receives the appropriate documentation and determines that a bonus is due, the CWD shall issue the bonus as a supplement to the aid payment that was made to the AU in the month in which the bonus was earned by the eligible teen parent.

- .11 A bonus is considered to be earned as of the last day of the report card period even though the report card may not be issued until a later date.

HANDBOOK BEGINS HERE

- .111 Example: A report card period ends on June 30. The case manager notifies the CWD on July 10 that a bonus is due. The CWD issues a \$100 supplement to the June AFDC payment in August even if the teen parent was discontinued after June 30.

HANDBOOK ENDS HERE

- .12 Upon receipt of documentation and determination that a bonus is due, the CWD shall issue the bonus:

- .121 No later than the month following receipt of the documentation when the documentation is received by the eleventh calendar day of the month;

- .122 No later than the second month following receipt of the documentation when the documentation is received after the eleventh calendar day of the month;

- .123 In the name of the caretaker relative when the bonus is for satisfactory school progress;

- .124 In the name of the teen parent when the bonus is for graduation from high school or its equivalent;

- (a) The CWD shall not issue the \$100 bonus for satisfactory school progress when the teen parent will receive a \$500 graduation bonus for the same report card period.

- .125 Even when the AU has an existing AFDC overpayment. A Cal-Learn bonus shall not be offset by an existing overpayment adjustment.

.2 Applying the Sanction

When the CWD receives the appropriate documentation and determines that a sanction is applicable, the CWD shall process the sanction as soon as administratively practicable as follows:

- .21 Send a timely notice of action to the caretaker relative prior to applying the sanction.
- .22 Apportion the sanction equally over the two consecutive months following the timely notice except where the AU receives a grant of less than \$10 in which case no sanction is applied.

HANDBOOK BEGINS HERE

- .221 Example: A teen parent fails to achieve adequate grades and her case manager notifies the CWD on July 10 that a sanction is due. In August the teen parent's AU is eligible for a grant of \$8. No sanction can be applied in August. In September the AU is eligible for a grant of \$58. The CWD applies the apportioned \$50 sanction amount and the AU receives a grant of \$8.

HANDBOOK ENDS HERE

- .23 When the grant amount, prior to application of the sanction, is less than the amount of the apportioned sanction, the grant amount shall be zero. No remainder of the apportioned sanction shall be applied to subsequent months. In these cases, the family shall be considered AFDC recipients for all other purposes including eligibility for Medi-Cal.

HANDBOOK BEGINS HERE

- .231 Example: In February an AU is eligible for a grant of \$35. The teen parent's apportioned sanction amount is \$50. Since the grant amount is less than the apportioned sanction amount, the grant will be zero. In March the AU is eligible for a grant of \$75. The CWD will apply the second apportioned sanction amount (\$50) and issue a grant of \$25. No remainder of the first month's apportioned sanction is applied to the second month's aid payment.

HANDBOOK ENDS HERE

- .24 Adjust the grant for an underpayment or an overpayment prior to applying the apportioned sanction amount.
- .25 Apply one apportioned sanctioned amount for each teen parent per month when there are multiple sanctioned teen parents in the AU.

HANDBOOK BEGINS HERE

- .251 Example: An AU contains two teen parents. They both fail to achieve adequate grades for the report card period ending in June. The case manager notifies the CWD on

July 10 that each is due a sanction. The CWD will apply a \$100 sanction in August (\$50 for each teen parent) and a \$100 sanction in September (\$50 for each teen parent).

HANDBOOK ENDS HERE

.26 Apply overlapping sanctions for individual teen parents consecutively.

HANDBOOK BEGINS HERE

.261 Example: A teen parent fails to achieve adequate grades for the report card period ending in June. The case manager is not appraised of this situation until October 1 and notifies the CWD that a sanction is due on October 5. On October 10 the case manager notifies the CWD that the same teen parent is due a sanction for the report card period ending in September. The CWD applies a \$50 sanction in November, December, January, and February.

HANDBOOK ENDS HERE

.3 Change in AU

The sanction shall follow the teen parent and be applied to the AU in which the teen parent is a member at the time the sanction is applied.

HANDBOOK BEGINS HERE

.31 Example: A teen parent moves out of his/her mother's home and establishes an AU of his/her own. The teen parent is discontinued from the mother's AU at the end of June and is eligible in the new AU effective July 1. On July 10 the CWD determines that a sanction is due for the report card period ending June 30. The CWD applies the sanction to the new AU in the months of August and September.

HANDBOOK ENDS HERE

.4 Treatment of Bonuses and Sanctions in Other Calculations

The CWD shall not include a Cal-Learn bonus or sanction in the calculation of an overpayment adjustment, a homeless assistance payment, or a reduced income supplement payment.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11333.7, (a) and (d), Welfare and Institutions Code; 45 CFR 250.40(a); Federal Waiver Terms and Conditions for the California Work Pays Demonstration Project, March 1994, and Waiver Authority for the California Work Pays Demonstration Project as transmitted by the United States Department of Health and Human Services Administration for Children and Families letter dated March 1, 1994.

Amend Section 82-836.1 to read:

82-836 FEDERAL AFDC PROGRAM FOR PREGNANT WOMEN

82-836

.1 (Continued)

HANDBOOK BEGINS HERE

- .15 See Section 42-762.7 regarding federal eligibility during the first and second trimesters for pregnant Cal-Learn participants with no other eligible children.

HANDBOOK ENDS HERE

.2 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 CFR 233.10(a)(1) and (a)(1)(iv), 45 CFR 233.90(c)(2)(iv), and 45 CFR 206.10(a)(1)(vii), and Section 11450(b), Welfare and Institutions Code.

EMERGENCY
NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91)

(See instructions on
reverse)Original
For use by Secretary of State only

AGENCY

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

AGENCY FILE NUMBER (if any)

RDB#1293-51

OAL FILE
NUMBERS

NOTICE FILE NUMBER

REGULATORY ACTION NUMBER

EMERGENCY NUMBER

94-0415-04E

PREVIOUS REGULATORY ACTION NUMBER

For use by Office of Administrative Law (OAL) only

ENDORSED
APPROVED FOR FILING
AND PUBLICATION

APR 25 1994

Office of Administrative Law

NOTICE

REGULATIONS

FILED
in the office of the Secretary of State
of the State of California

APR 25 1994

At 3:06 O'clock P. M.
TONY MILLER, Acting Secretary of StateBy Rosemary Smith
Deputy Secretary of State**A. PUBLICATION OF NOTICE** (Complete for publication in Notice Register)

1. TOPIC OF NOTICE Child Support - Wage Withholding Regulations		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

TITLE(S)	ADOPT
MPP	
SECTIONS AFFECTED	AMEND 12-107, 12-224 and 12-226 REPEAL

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☒ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify) _____

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State ☐ Effective on filing with Secretary of State ☒ Effective other (Specify) 5-1-94

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify) _____

6. CONTACT PERSON

Frank Vitulli, Asst. Chief, Regulations Development Bureau

TELEPHONE NUMBER

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Eloise Anderson

TYPED NAME AND TITLE OF SIGNATORY

ELOISE ANDERSON, DIRECTOR

DATE

APR 12 1994

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

INSTRUCTIONS FOR PUBLICATION OF NOTICE AND SUBMISSION OF REGULATIONS

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Amend MPP Section 12-107.3 to read:

12-107 TIME STANDARDS - ENFORCEMENT OF SUPPORT ORDERS (Continued)

12-107

- .3 The district attorney shall serve a wage assignment on the absent parent's employer within ~~five working~~ 15 calendar days of: ~~its issuance unless the wage assignment has been stayed.~~
- .31 When the support order was entered, unless the wage assignment has been stayed or an alternative arrangement exists; or
- .32 When the absent parent changes employment, when the new employer's address is known; or
- .33 When the employer's address is located, in those cases in which the employer's address had been unknown.

Authority Cited: Sections 10553, 10554 and 11475, Welfare and Institutions Code.

Reference: Section 11479.5, Welfare and Institutions Code; and 45 CFR 303.6, 303.72, 303.100, (b), (f)(2), and 303.102.

Amend MPP Sections 12-224.328 and .33, and adopt .34 to read:

12-224 PROGRAM PERFORMANCE STANDARDS - ENFORCEMENT (Continued)

12-224

.3 (Continued)

.32 (Continued)

.328 A statement directing the employer to do the following:

- (a) Implement the withholding no later than the first pay period which occurs after 14 calendar days following the date the notice was mailed.
- (b) Forward amount withheld to the district attorney within 10 calendar days of the date the absent parent is paid.
- (c) Notify the district attorney of the date the earnings were withheld.

.329 (Continued)

.33 If the absent parent changes employment, the district attorney shall serve the wage assignment on the absent parent's new employer, if known, ~~and notify that employer that the wage assignment is binding on the new employer~~ within 15 calendar days.

.331 If the new employer's address is not known, the district attorney shall serve the wage assignment within 15 calendar days of locating the employer's address.

.332 The district attorney shall notify the new employer that the wage assignment is binding.

.34 The district attorney shall maintain and follow procedures that ensure that the noncustodial parent is refunded the amount improperly withheld within 15 calendar days of discovering the error.

Authority Cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.

Reference: Sections 11479.5 and 15200.8, Welfare and Institutions Code; 45 CFR 302.31(a)(2), 303.6, and 303.100(a), (a)(8), (b), ~~and (d)~~, (f)(1)(ii) and (iv); and Sections 4390.3, .10, and .17, California Civil Code.

Amend MPP Section 12-226.2 to read:

12-226 PROGRAM PERFORMANCE STANDARDS - INTERSTATE CASES (Continued)

12-226

.2 (Continued)

.25 Notify the IV-D Agency of the responding state to implement interstate wage withholding within 20 calendar days of determining that wage withholding is required.

.251 The notification to implement interstate withholding shall include any information necessary to carry out the withholding.

.252 If the responding state requests additional information needed to implement the withholding, the district attorney shall provide that information within 30 days of receiving the request.

Authority Cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.

Reference: Sections 11479.5 and 15200.8, Welfare and Institutions Code; ~~and~~ 45 CFR 303.7(b)(1) through (5), (c)(4)(i) through (iii), (c)(5), (c)(6), (c)(7)(i) through (iv), (c)(8), (c)(9), (c)(10), and (d)(2); and 45 CFR 303.100(h)(3).

EMERGENCY

STATE OF CALIFORNIA OFFICE OF ADMINISTRATIVE LAW NOTICE PUBLICATION REGULATIONS SUBMISSION

STD. 400 (REV. 2-91)

AGENCY

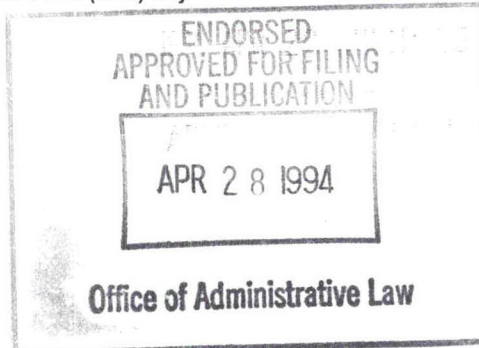
California Department of Social Services

(See instructions on reverse)

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 94-0420-02E	AGENCY FILE NUMBER (If any) 1293-50	PREVIOUS REGULATORY ACTION NUMBER 94-0408-03E
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For use by Office of Administrative Law (OAL) only



FILED
in the office of the Secretary of State
of the State of California

APR 28 1994

At 4:04 O'clock P.M.
TONY MILLER, Acting Secretary of State

By Courts Lomick
Deputy Secretary of State

NOTICE

REGULATIONS

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE California Alternative Assistance Program (CAAP)		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified	<input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)	
TITLE(S) MPP	ADOPT 40-020, 89-701, 89-705, 89-710, 89-715, 89-720, 89-725, 89-730, 89-735, and 89-740
SECTIONS AFFECTED	AMEND 40-131, 40-181, 44-111, 44-207, and 89-102
	REPEAL

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☒ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State ☐ Effective on filing with Secretary of State ☒ Effective other (Specify) May 1, 1994

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☒ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON

Frank Vitulli, Assistant Chief, Regulations Development Bureau

TELEPHONE NUMBER

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Eloise Anderson

TYPED NAME AND TITLE OF SIGNATORY

ELOISE ANDERSON, Director

DATE

APR 19 1994

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for reoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Adopt Section 40-020 to read:

40-020 IMPLEMENTATION OF CALIFORNIA ALTERNATIVE ASSISTANCE PROGRAM (CAAP) 40-020

- .1 The adoption of Chapter 89-700 and the amendment of Sections 40-131.3, 40-181.2, 44-111.3, 44-207.322, and 89-102, which implement the California Alternative Assistance Program (CAAP) shall be effective May 1, 1994. Counties are required to meet the CAAP informing requirements at application and redetermination of eligibility for applicants and recipients subject to the California Work Pays Demonstration Project (CWPDP) beginning May 1, 1994.
- .2 Chapter 89-700, for applicants and recipients subject to the CWPDP, is adopted to implement the CAAP to comply with the provisions of Welfare and Institutions Code Section 11280 (Chapter 69, Statutes of 1993).
- .3 Section 40-131 is amended to require that AFDC applicants be informed about CAAP at the time of AFDC application.
- .4 Section 40-181 is amended to require that AFDC recipients be informed about CAAP at the time of AFDC redetermination.
- .5 Section 44-111 is amended to exempt CAAP payments from consideration as income for AFDC.
- .6 Section 44-207 is amended to require that an individual be considered to have received an AFDC payment when the assistance unit (AU) has received benefits under the CAAP.
- .7 Section 89-102 is amended to require that CAAP be included in the CWPDP provisions of Section 89-700 et seq. The county shall apply these provisions to those applicants and recipients who are designated as members of the Project's control and experimental groups.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11280, Welfare and Institutions Code; and the Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994.

Amend Section 40-131.3 to read:

40-131 INTERVIEW REQUIREMENT (Continued)

40-131

.3 Content of Application Interview

HANDBOOK BEGINS HERE

- v. See Section 89-730 for the additional informing requirements for applicants subject to the California Work Pays Demonstration Project as specified in Division 89.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, 10554, 10604, and 18904, Welfare and Institutions Code.

Reference: Section 10613, 11209, 11280, 11324.8(a), AB 312, Chapter 1568, Statutes of 1990, 11500(b), and 11511(a), Welfare and Institutions Code; 7 USC 2020(i), 7 CFR 273.2(j), 42 USC 616(f), 682(c)(2), (3) and (4), 45 CFR 250.20, 45 CFR 250.40(a) and (b); 45 CFR 255.1; 45 CFR 256.1(b).

Amend Section 40-181.2 to read:

40-181 CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY (Continued) 40-181

.2 Periodic Determination of Eligibility

HANDBOOK BEGINS HERE

See Section 89-730 for the additional informing requirement at eligibility redetermination for recipients subject to the California Work Pays Demonstration Project as specified in Division 89.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, 10554, 10604, 11265.1, and 18904, Welfare and Institutions Code.

Reference: 45 U.S.C. 616(b) and (f); 45 CFR 233.28 and 235.112(b); and Sections 10553, 10554, 10604, 11280, and 11486, Welfare and Institutions Code.

Amend Section 44-111.3 to read:

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME
(Continued)

44-111

.3 Exemption of Payments from Public Sources (Continued)

- h. Payments made for child care costs under the California Alternative Assistance Program are exempt from consideration as income.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11008.15, ~~and~~ 11255, and 11280, Welfare and Institutions Code; 42 USC Section 602(g)(1)(E)(i); Section 202(a), Public Law 100-485; 45 CFR 244.0(c); 45 CFR 233.20(a)(4)(ii); 45 CFR 233.20(a)(11)(v)(C); 45 CFR 255.3(f)(1); ~~and~~ Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992; and the Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994.

Amend Section 44-207.322 et seq. to read:

44-207 INCOME ELIGIBILITY (Continued)

44-207

.3 Financial Eligibility (Continued)

.32 Net Nonexempt Income (Continued)

.322 For purposes of determining financial eligibility, the earned income exemption (\$30 and 1/3) shall be applied subject to the limitations of Section 44-111.23* and only if the person who earned the income was eligible for and received an AFDC payment from any state during at least one of the immediately preceding four months and is currently included in the ~~FYU~~ AU.

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*See Section 89-301.1 for elimination of the 4-month time limit for the \$30 and 1/3 earned income disregards and elimination of the additional 8-month limit for the \$30 earned income disregard. This will apply to those recipients who are subject to the Assistance Payments Demonstration Project as specified in Division 89.

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(a) A person is considered to have received an AFDC payment when:

1. The grant for the ~~FYU~~ AU is reduced to zero to adjust or offset a prior overpayment/; or
2. The AU has received benefits under the California Alternative Assistance Program as specified in Chapter 89-700.

Authority Cited: Sections 10553, 10554, 11450, and 11453, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11017, ~~and~~ 11255, and 11280, Welfare and Institutions Code; 45 CFR 233.20(a)(2)(xiii) and (3)(vi)(B) and (xiv); and Darces v. Woods, 35 Cal. 3d 871; Rutan v. McMahon, Case No. 612542-L (Alameda Superior Court) February 19, 1988; Letter from Department of Health and Human Services (DHSS), December 5, 1990; Johnson v. Carlson Stipulated Judgement; ~~and~~ Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992; and the Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994.

Amend Section 89-102 to read:

89-102 FEDERAL DEMONSTRATION PROJECTS - INTRODUCTION

89-102

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.1 Background

Pursuant to state law, the California Department of Social Services has requested and received federal approval for two California Demonstration Projects entitled the Assistance Payments Demonstration Project and the California Work Pays Demonstration Project. These Projects enable California, in accordance with their federally mandated Terms and Conditions, to implement certain new AFDC provisions.

The Assistance Payments Demonstration Project provisions are contained in Division 89. They include work incentive provisions, MAP reductions and a relocation grant restriction. The California Work Pays Demonstration Project provisions contained in Division 89 include increased property limits, ~~and~~ restricted accounts/, and the California Alternative Assistance Program. (For "Cal Learn" see Division 42.)

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.2 Control Group

Except for the provisions found in Chapter 89-700, related to the California Alternative Assistance Program, the county shall not apply the Division 89 Assistance Payments Demonstration Project and the California Work Pays Demonstration Project provisions to those applicants and recipients who are designated as members of the Projects' control groups. CAAP applies to both the experimental and control groups in all APDP/CWPDP counties. The designation and treatment of the control groups shall be accomplished pursuant to the Projects' mandated parameters outlined in the Federal Terms and Conditions as approved by the Secretary of the Department of Health and Human Services.

Authority Cited: Sections 10553, 10554, 11201.5, 11209, and 11450(g), Welfare and Institutions Code.

Reference: Sections 11155.1, 11155.2, 11201.5, 11450.01, ~~and~~ 11450.03, and 11280, Welfare and Institutions Code; 45 CFR 233.20(a)(3)(i)(B); Federal Terms and Conditions for the Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992; and Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994.

Adopt Chapter 89-700 and Section 89-701 to read:

89-700 CALIFORNIA ALTERNATIVE ASSISTANCE PROGRAM (CAAP)

89-701 THE CALIFORNIA ALTERNATIVE ASSISTANCE PROGRAM (CAAP)

89-701

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- .1 The California Alternative Assistance Program (CAAP) is mandated by Welfare and Institutions Code Section 11280 (Chapter 69, Statutes of 1993). It provides funding for child care to applicants eligible for or recipients of aid with earned income who voluntarily decline or refuse an AFDC grant. The objective of the CAAP is to provide an incentive to AFDC families with children to seek and/or maintain employment by removing the barrier of high child care costs. In assisting these families with their child care costs, it is hoped that employment will be obtained and maintained which will result in self-sufficiency from the welfare system.

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- .2 A CAAP participant is:

.21 Considered an AFDC recipient.

.22 Subject to all requirements of the AFDC program.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11280, Welfare and Institutions Code; and the Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994.

Adopt Section 89-705 to read:

89-705 DEFINITIONS

89-705

.1 The following definitions pertain only to Chapter 89-700.

- (a) (1) "AU" means the AFDC assistance unit which consists of a group of related persons living in the same home who have been determined eligible for AFDC.
- (b) (1) "Budget Month" means the month preceding the report month and is used to determine the amount of the CAAP payment.
- (c) (1) "CAAP Participant" means an AFDC eligible person who has signed a CAAP agreement.
- (d) (1) "Date of Receipt" means the date that a document is received by the county, either through the mail or delivered in person.
- (e) (1) "Exempt from Licensing" means a child care provider who is not required to obtain a family day care license.

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(A) Examples of when a day care license is not required pursuant to California Code of Regulations, Title 22, Section 101158, include:

- 1. The nonrelative child care provider cares for the children of only one family in addition to his/her own children;
- 2. The child care provider is related to the children for whom care is given;
- 3. The child care provider is a public or private school or recreation program; or
- 4. The child care is provided by a public or private school which operates a program before and/or after school for school-age children, providing the program offered by the school is operated by the school and run by qualified teachers employed by the school or the school district.

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- (f) (1) "Full-Time Child Care" means child care provided by a child care provider for more than 147 hours per calendar month.
- (g) through (o) Reserved

- (p) (1) "Part-Time Child Care" means child care provided by a child care provider for 147 hours or less per calendar month.
- (2) "Payment Month" means the month following the report month.
- (q) Reserved
- (r) (1) "Rate Ceiling" means the 75th percentile of the regional market rate or the 100th percentile of the regional market rate when the region has no more than two providers serving that age and category of care.
- (2) "Regional Market Rate" means the costs of child care in each county differentiated by age of child, type of care, and whether the care is provided full- or part-time as established in the Regional Market Rate Ceilings for California Child Care Providers.
- (3) "Report Month" means the month in which a CAAP participant is required to submit the monthly eligibility report which contains information from the previous month, also known as the budget month.
- (s) through (z) Reserved

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, and 11280, Welfare and Institutions Code.

Adopt Section 89-710 to read:

89-710 PROGRAM ELIGIBILITY

89-710

- .1 An AU shall be eligible to participate in CAAP if otherwise eligible for AFDC and all of the following conditions are met:
- .11 A member of the AFDC AU is working and requires child care to remain employed.
- .12 The CAAP participant signs a statement stating that it is clearly understood that to receive CAAP he/she must decline a cash grant.
- .13 The child care costs are paid for a child who meets the following conditions:
- .131 The child:
- (a) Is in the AU; or
- (b) Would be AFDC-FG/U eligible but for the receipt of federal foster care or Supplemental Security Income/State Supplementary Payment (SSI/SSP).
- .132 The child is:
- (a) Under the age of 13; or
- (b) Over age 13 and is physically or mentally incapable of caring for himself/herself based on a written statement of a physician or a licensed or certified psychologist, and meets the age requirements under the AFDC program, as specified in Section 42-101; or
- (c) Over age 13 and under court supervision as specified in Welfare and Institutions Code Sections 601 and 602 and meets the age requirements under the AFDC program, as specified in Section 42-101.
- .14 The child care provider meets all the following conditions:
- .141 Is 18 years old or older.
- .142 Is not a parent or legal guardian of the child.
- .143 Is not a member of the AU.
- .144 Has a day care license or is exempt from licensing.

.15 The AU has provided the necessary information to determine CAAP eligibility and the CAAP payment, as specified in Section 89-725.1.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11265.1, 11280(b), and 11320.3(j)(5), Welfare and Institutions Code; 45 CFR 255.2(a) and (a)(1); 45 CFR 255.4(c)(2) and (f)(2); and 45 CFR 255.5(a).

Adopt Section 89-715 to read:

89-715 PAYMENT ELIGIBILITY

89-715

- .1 CAAP payments shall be used to pay for child care costs at the actual cost of care up to the federal maximum reimbursement rate (75th percentile) based on the monthly Regional Market Rate (RMR) ceilings.

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- .11 The RMR ceilings are determined based on a statistically valid survey of the rates established by child care providers for private clients in accordance with Welfare and Institutions Code Section 11508(b).

- .111 The rate ceilings are determined based on:

- (a) The age of the child,
- (b) The type of care provided,
- (c) The number of hours of care, either full-time or part-time as defined in Section 89-705, and
- (d) The care provider's geographic location in California.

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- .2 The county shall only issue a CAAP payment when the child care hours claimed are for the following:

- .21 Work hours.

- .22 Transportation time between the worksite and the child care provider.

- .23 When necessary, hours based on the provider's standard billing practice.

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- .24 Examples of eligible hours.

- .241 Example: A provider charges all families based on an hourly rate. The parent works from 4 p.m. to 12 a.m. The provider charges for nine hours of child care, because the parent leaves the child in care a half hour before starting work and a half hour after ending the work shift. The county would compare the hours worked including transportation time to the hours of care. A request for payment for nine hours of care would meet the payment eligibility requirements under this section.

.242 Example:

A day care provider charges all families based on a weekly rate. The provider charges for any days the CAAP child is absent, regardless of the reason (i.e., holidays, sick days and vacation). Since this is the provider's billing practice for nonsubsidized families, a request for payment which includes these days would meet the payment eligibility requirements under this section.

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- .3 The county shall not approve a CAAP payment to a new child care provider if a payment was made for the same period of time to the prior-authorized provider unless care by the prior-authorized provider cannot be provided or the provision of care places the child at risk of harm.
- .4 When the beginning date of CAAP eligibility is after the first of the month, the CAAP payment as defined in Section 89-720.1 shall be prorated from the beginning date of aid in accordance with procedures specified in Section 44-315.7.

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- .41 Example: The CAAP participant became eligible for AFDC on the 17th of the month. The submitted child care receipt shows child care costs of \$150 for the whole month. The Reciprocal Table in Section 44-315.73 shows a figure of .4839 for the 17th day of a 31-day month. The total monthly CAAP payment amount x the reciprocal = the prorated CAAP amount (\$150 x .4839 = \$72.585). The \$72.585 is rounded down to \$72 which is the amount of the CAAP payment.

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- .5 The county shall not pay aid paid pending the state hearing decision for CAAP.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11280 and 11508(b), Welfare and Institutions Code; 45 CFR 255.1, (c), and (e)(4); 45 CFR 255.2, (a), (a)(1), and (h)(2); and 45 CFR 255.4(a), (a)(2)(ii), (c)(2), and (i)(1).

Adopt Section 89-720 to read:

89-720 CHILD CARE PAYMENT COMPUTATION

89-720

- .1 The county shall pay the lesser of the actual child care costs paid or the applicable monthly 75th percentile rate ceiling.

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- .11 Example: Child care costs are within the RMR.

An employed mother has two children, ages 5 and 1, in a child care center in Alameda County. The mother works 120 hours per month and child care is for 130 hours per month per child, which includes transportation time to and from work. The child care provider charges a weekly rate of \$75 for the 5-year-old and \$95 for the 1-year-old. The total child care cost the child care provider charges for the month is \$735, \$324 for the 5-year-old and \$411 for the 1-year-old.

CAAP COMPUTATION:

<u>(1) 5-year-old child:</u>	
<u>75th percentile mo. rate</u>	<u>\$328</u>
<u>Actual child care costs/mo.</u>	<u>\$324</u>
<u>(2) 1-year-old child:</u>	
<u>75th percentile mo. rate</u>	<u>\$442</u>
<u>Actual child care costs/mo.</u>	<u>\$411</u>
<u>CAAP Payment for 5-year-old child:</u>	<u>\$324</u>
<u>CAAP Payment for 1-year-old child:</u>	<u>+ \$411</u>
<u>TOTAL CAAP PAYMENT:</u>	<u>\$735</u>

- .12 Example: Child care costs exceed the RMR.

The AU of four includes a working father, an incapacitated mother on SSI, and two children ages 6 and 8. The father is employed 160 hours per month and child care is for 180 hours per month per child, which includes transportation time to and from work. The children are placed in a family day care home in Colusa County, where the monthly child care cost is \$365 per child.

CAAP COMPUTATION:

<u>(1) 6-year-old child:</u>	
<u>75th percentile</u>	<u>\$324.75</u>
<u>Actual child care costs</u>	<u>\$365.00</u>
<u>(2) 8-year-old child:</u>	
<u>75th percentile</u>	<u>\$324.75</u>
<u>Actual child care costs</u>	<u>\$365.00</u>

<u>CAAP Payment for 6-year-old child:</u>	<u>\$324.75</u>
<u>CAAP Payment for 8-year-old child:</u>	<u>+ \$324.75</u>
<u>TOTAL CAAP PAYMENT:</u>	<u>\$649.00</u>
	<u>(rounded down)</u>

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.2 Counties shall round payments to the nearest lower whole dollar.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11280 and 11508(b), Welfare and Institutions Code; 45 CFR 255.4(a) and (a)(2)(iii); and the Preamble (Federal Register Volume 54, No. 197, page 42233).

Adopt Section 89-725 to read:

89-725 CAAP PARTICIPANT'S RESPONSIBILITIES

89-725

- .1 The CAAP participant shall provide the following information to determine CAAP program and payment eligibility along with the monthly eligibility report in accordance with the time frames specified in Section 40-181.22.
 - .11 Verification of employment and the number of hours of employment;
 - .12 The name and birthdate of each child for whom care is to be provided;
 - .13 Total child care hours provided during the month including the scheduled hours of care;
 - .14 Total child care costs for the month;
 - .15 The care provider's name and address;
 - .16 Whether the provider is a licensed day care center, licensed family day care home, or an exempt day care provider; and
 - .161 The social security number (SSN) of an exempt provider, or
 - .162 The tax ID number for a licensed provider.
 - .17 A certification from the exempt day care provider that he/she is:
 - .171 At least 18 years of age;
 - .172 Whether he/she is a relative of the CAAP participant;
 - .173 When not related, that he/she provided the CAAP participant the name, address and telephone numbers of two character references;
 - .174 A statement as to his/her:
 - (a) Health,
 - (b) Education or experience; and
 - (c) Criminal record; and
 - .175 Names and ages of other persons in the home providing care.
 - .18 A declaration, signed under penalty of perjury, by the child care provider that the information submitted under Sections 89-725.13 through .17 is true and correct to the best of his/her knowledge.
 - .19 A declaration, signed under penalty of perjury, by the CAAP participant that the information submitted under Sections 89-725.11 through .15 is true and correct to the best of his/her knowledge.

.2 The CAAP participant must notify the county of:

.21 Any changes in child care arrangements.

.22 Any changes in work status.

.3 The CAAP participant must indicate to the county if he/she no longer chooses to participate in CAAP and now chooses to return to AFDC grant status.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11280, Welfare and Institutions Code; 45 CFR 255.1(e) and (e)(1); 45 CFR 255.2, (a), and (a)(1); and 45 CFR 255.4(c)(2).

Adopt Section 89-730 to read:

89-730 COUNTY RESPONSIBILITIES

89-730

.1 Informing and Participation

- .11 The county shall inform AFDC/CAAP applicants and recipients in writing about the availability of the CAAP program at the following intervals:
 - .111 At the time of application as specified in Section 40-131.3.
 - .112 At the time of redetermination as specified in Section 40-181.2..
- .12 The AFDC eligible person shall only be permitted to choose to participate in CAAP at the intervals specified in Sections 89-730.11.

.2 Signed CAAP Agreement

- .21 Within 30 days of the completion of the eligibility determinations made at the intervals specified in Section 89-730.11, the county shall obtain a signed statement from the individual choosing CAAP which shall contain the following information:
 - .211 The choice for CAAP means refusing an AFDC grant in order to receive child care assistance.
 - .212 The failure to provide the monthly eligibility report and child care information to the county in a timely manner may result in delay of issuance or discontinuance of CAAP payments.
 - .213 The CAAP participant has the right to request a state hearing regarding CAAP benefits, but aid paid pending the state hearing decision is not available.
 - .214 The CAAP participant's rights will be waived for any other AFDC assistance programs such as the Reduced Income Supplemental Payments (RISP), Homeless Assistance, and/or special needs.

.3 General

- .31 The county shall determine a CAAP participant's AFDC eligibility on a monthly basis by utilizing all AFDC eligibility criteria pursuant to Sections 44-207.2 and .3.
- .32 The county shall issue the CAAP payment to eligible CAAP participants in accordance with the standard delivery dates of aid payments in Sections 44-304.5 or 44-305.2.
- .33 The county shall discontinue CAAP eligibility on the last day of the month in the following situations:

.331 When the CAAP participant did not meet the eligibility criteria specified in Sections 89-710 (Program Eligibility) and 89-715 (Payment Eligibility).

.332 When the required information is not submitted by the first day of the payment month.

.34 The county shall rescind the discontinuance of the CAAP payment and restore the CAAP payment if the CAAP participant meets the good cause criteria, specified in Section 40-181.233, and meets the reporting requirements as specified in Section 40-181.222.

.35 In addition to the AFDC case documentation, the county shall include the following in the CAAP participant's file:

.351 The information reported by the CAAP participant in Sections 89-725.1, .2, and .3; and

.352 All notices of action (NOAs) sent to the CAAP participant; and

.353 Documentation of the need for child care for a child age 13 or over. (See Section 89-710.132(b) or (c).)

.36 Counties shall verify the child care provider's SSN with the Social Security Administration according to provisions in Manual of Policies and Procedures Division 20.

.361 Counties shall deny the CAAP payment when the SSN is determined not to be authentic.

.37 Counties shall compare the child care provider's SSN with the Medi-Cal Eligibility Data System (MEDS) to determine whether the provider is on aid and is reporting the earned income in accordance with Section 40-181.241(e).

.4 Prospective and Retrospective Payments

.41 Prospective Payment Procedures

.411 The county shall prospectively budget the CAAP payment when the applicant or recipient is subject to prospective budgeting pursuant to Section 44-313.1.

.412 The county shall make a reasonable estimate of the child care costs using the procedures for calculating a payment specified in Section 89-720.1.

.42 Retrospective Payment Procedures

.421 AFDC recipients who choose CAAP shall continue in retrospective budgeting pursuant to Section 44-313.2.

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(a) Example:

<u>May</u>	<u>June</u>	<u>July</u>
<u>AFDC Recipient indicates choice on monthly eligibility report.</u>	<u>AFDC Recipient signs CAAP agreement and continues to receive the AFDC grant based on costs reported on the April monthly eligibility report.</u>	<u>CAAP participant receives CAAP payment based on costs reported on the May monthly eligibility report.</u>

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.422 CAAP participants who choose to return to AFDC grant status shall continue in retrospective budgeting.

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(a) Example:

<u>July</u>	<u>August</u>	<u>September</u>
<u>CAAP participant reports income. He/she decides to no longer participate in CAAP.</u>	<u>County receives the July monthly eligibility report on which the CAAP participant indicated his/her decision. The CAAP agreement is rescinded and a final CAAP payment is issued.</u>	<u>Former CAAP participant receives the AFDC check based on his/her July income.</u>

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.5 CAAP Notice Requirements

.51 The county shall notice CAAP participants in accordance with the definitions of timely and adequate notice requirements, as specified in Manual of Policies and Procedures Section 22-001, for the following:

.511 Initial approval of CAAP eligibility and amount of payment.

.512 Denial or discontinuance of a CAAP payment.

.513 Change in the rate ceiling described in Handbook Section 89-715.11.

.514 CAAP overpayment/underpayment adjustments, as specified in Section 89-735.

.515 Return to AFDC grant status.

.516 Nonreceipt of the monthly child care eligibility report or an incomplete monthly child care eligibility report.

.52 The county shall follow the contact procedures for late and incomplete monthly eligibility reports as specified in Section 40-181.221.

.6 Inter-County Transfers

.61 The inter-county transfers shall occur in the same manner for a CAAP participant as for an AFDC recipient. A new CAAP agreement shall be signed in the new county and provide all pertinent provider information.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11280(b) and (c), Welfare and Institutions Code; 45 CFR 233.22, .24, .25, .29(b) and (c), .34(b) and (c)(3), .35, and .36; 45 CFR 255.1(c), (e), and (e)(4); 45 CFR 255.2(a), (g)(1), (g)(2), (h), (h)(1), and (h)(2); 45 CFR 255.3(b), (c), and (h); and 45 CFR 255.4(a) and (a)(2)(iii), (c)(2), (f)(2), and (h).

Adopt Section 89-735 to read:

89-735 UNDERPAYMENTS AND OVERPAYMENTS

89-735

.1 General Criteria

- .11 Underpayments occur when a CAAP payment made to the CAAP participant is less than what he/she is entitled to receive.
 - .111 Action to correct underpayments shall be taken within 30 calendar days from the date the county determines that an underpayment exists.
- .12 Overpayments occur when a CAAP payment to the CAAP participant exceeds what he/she is entitled to receive.
- .13 The county shall take all reasonable steps necessary to promptly collect any overpayment that is known to the county.
 - .131 The county shall refer cases of suspected fraud to the county Special Investigative Unit (SIU) under Manual of Policies and Procedures Section 20-005.
 - .132 The county shall attempt recovery efforts in all cases of current and former CAAP participants.
- .14 The county shall recover CAAP overpayments from any person who was a member of the AU at the time the AU was overpaid.

.2 Recovery of Overpayments

- .21 When the county determines that an overpayment exists, the county shall calculate the amount of the overpayment and determine the appropriate method of recovery.
 - .211 Recovery methods may be used concurrently.
 - .212 The county shall take steps to initiate the recovery promptly by notifying the individual in writing that he/she has an overpayment and how recovery will occur as specified in Sections 89-735.22 and .23.
- .22 Overpayment Recovery from Current CAAP Participants
 - .221 Balancing
 - (a) When an individual has both an overpayment and an underpayment, the county may offset one against the other.

.222 CAAP Payment Adjustment

(a) The overpayment is to be adjusted from the current CAAP payment subject to Section 89-735.222(b).

(1) When the current CAAP payment amount is not enough to recover the entire overpayment, the remaining amount of the overpayment shall be applied to succeeding month(s) and the adjustment process shall be repeated.

(b) Recovery from the current CAAP payment(s) shall be ten percent of the total payment or \$21, whichever is greater, but the recovery shall not exceed the current CAAP payment.

.223 Voluntary Cash Recovery

(a) The county shall accept any voluntary cash payment from an individual to pay any portion of an existing overpayment.

.23 Overpayment Recovery from Former CAAP Participants Who Presently Receive an AFDC Grant and from Former CAAP Participants No Longer Receiving AFDC/CAAP

.231 The county shall demand in writing, the repayment of any outstanding overpayment amount from any individual who is no longer eligible to receive CAAP payments or AFDC.

.232 A former CAAP participant receiving an AFDC grant shall be permitted to have CAAP overpayments adjusted from his/her grant when:

(a) The CAAP participant and the county voluntarily agree with the amount of the AFDC grant adjustment.

(b) The individual signs a written agreement with the county.

.233 Once the demand letter for repayment has been sent, the county shall continue recovery efforts of CAAP overpayments in:

(a) All cases of fraud;

(b) All cases of current CAAP participants; or

(c) All cases of former CAAP participants when the overpayment amount would equal or exceed the cost of recovery.

.234 The county shall recoup CAAP overpayments from families receiving:

(a) TCC payments by following TCC overpayment collection procedures specified in Section 47-190.

(b) SCC payments by following SCC overpayment collection procedures specified in Section 44-508.

.3 Overpayment Record Maintenance

.31 The county shall maintain a record of the overpayment including all notices and agreements, the repayment dates and amounts recovered.

.32 Once collection of the overpayment is completed, the overpayment records shall be retained in accordance with requirements for records retention of public assistance cases, as specified in Manual of Policies and Procedures Section 23-353.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11280, Welfare and Institutions Code; 45 CFR 233.20(a)(13)(i); 45 CFR 255.4(j)(1), (4), (5), (6), (7), and (8); and the Preamble (Federal Register Volume 54, No. 197, page 42234).

Adopt Section 89-740 to read:

89-740 DATA COLLECTION

89-740

.1 The county shall collect and report data as required by CDSS.

.11 Information shall include, but is not limited to, the following:

.111 Total number of AFDC families receiving CAAP payments each month, including the

(a) Number of CAAP-FG families receiving CAAP payments each month, and

(b) Number of CAAP-U families receiving CAAP payments each month.

.112 Total number of children receiving CAAP payments each month by the type of child care (i.e., licensed or exempt, relative or non-relative, inside or outside child's home, family day care, or center care);

(a) Number of CAAP-FG children receiving CAAP payments each month by the type of care, and

(b) Number of CAAP-U children receiving CAAP payments each month by the type of care.

.113 Expenditures for children receiving CAAP payments each month by the type of child care (i.e., licensed or exempt, relative or non-relative, inside or outside child's home, family day care, or center care);

(a) Amount of expenditures for CAAP-FG children each month by type of care, and

(b) Amount of expenditures for CAAP-U children each month by type of care.

.114 Number of months that each family has received child care services.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11280, Welfare and Institutions Code and Federal Action Transmittal JOBS-ACF-AT-92-1.